

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF RHODE ISLAND

MARY SEGUIN,  
*pro se*

*Plaintiff,*

VS.

Civil Action No. 1:23-cv-126-WES-PAS  
U.S. Court of Appeals for the First Circuit Appeal No. 23-1967  
Related Appeal No. 23-1851  
Related Appeal No. 24-1451

RHODE ISLAND DEPARTMENT OF HUMAN SERVICES, et al.  
*Defendants-Appellees*

*Defendants*

**SECOND RULE 62.1 INDICATIVE MOTION ON PLAINTIFF'S  
RULE 60(b), RULE 15(a)(2) and RULE 15(d) MOTIONS TO SUPPLEMENT  
AND ADD BIVENS AND TORT CLAIMS AND FEDERAL AND STATE  
DEFENDANTS FOR DAMAGES CLAIMS AND INJUNCTIVE RELIEF**

**ORAL ARGUMENT REQUESTED**

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**STATE-SPONSORED ORGANIZED FRAUD, THEFT OF PUBLIC  
MONEY AND GOVERNMENT PROGRAMS INVOLVING BILLIONS OF  
DOLLARS**

**Unlawful Interstate Collection of Unlawful 12% Compound Interest Within  
the Title IV-D Legal Framework Involving Organized Felonious Obstruction  
of Justice Acts by Defendants, Obstruction of Justice and Misprision of  
Felony by Defendant Counsels, and**

**I. UNDISPUTED FACTS**

Before the Court is Plaintiff's Rule 62.1 Indicative Motion filed on September 6, 2024 (ECF 64). On September 13, 2024, Plaintiff-Appellant filed Appellant's Opening Brief in Appeal No. 23-1967 that arises from the above-captioned district court case. Plaintiff, MARY SEGUIN, hereby incorporates all factual allegations and arguments alleged therein (in ECF 64 and 23-1967 Opening Brief) as fully alleged herein, and hereby moves under Rule 62.1 for an Indicative Ruling on Plaintiff's Rule 15(a)(2) and Rule 15(d) Motions to (1) add tort and **Bivens** claims to the Amended Complaint (ECF 25), and to (2) supplement the Pleading with facts subsequent to the September 1, 2023 Amended Complaint; and to add defendants William E. Smith, John Doe and Jane Doe clerks of the United States District Court for the District of Rhode Island, Joanna Achille, Marissa Pizana and Peter Neronha and all named individual defendants in their individual *functus officio void ab initio* capacities under Bivens (federal) and official and individual liability of the defendants for tort claims, Sections 1983 claims and RICO claims (monetary damages) for *misprisio clerici* obstruction acts that further involve concealing any and all federal record alteration and falsification already aforesaid raised before this Court and the Court of Appeals in the First Circuit, and interfering with the pending Appeals 23-1967, then 23-1978, that exposes the above named for Bivens, tort, 42 U.S.C. §1983, civil RICO, among others. Plaintiff seeks \$605,000 in damages per count and \$605 Million in damages for the

conspiracy. Public Interest is implicated - their obstruction acts and conspiracy go towards the legitimacy of the judiciary and the legitimacy of the government.

Plaintiff hereby preserves the issues raised in this motion for Article III review by the U.S. Supreme Court and states on the record that the raised and preserved issues are ripe for Supreme Court review.

In support thereof, the Plaintiff states the follows:

## **I. LAW AND ARGUMENT**

1. Plaintiff is injured and seeks to sue aforesaid William E. Smith, John Doe and Jane Doe individually under Bivens claims for his and their post-appeal *functus officio void ab initio acts*, altering and concealing the alteration and falsification of federal records of the record on appeal, and aiding in and concealing his former clients' alteration and falsification of federal Title IV-D federal Central Registry records for the purpose of making false claims that exposes him and the above-named to, *among others*, civil rights deprivation, obstruction and RICO liability and monetary damages. The Ninth Circuit Court of Appeals explains that "[t]he whole administrative record," as per 5 U.S.C. § 706, "is not necessarily those documents that the agency has compiled and submitted as 'the' administrative record." 'The 'whole' administrative record . . . consists of all documents and materials directly or indirectly considered by agency decision-makers and includes

evidence contrary to the agency's position.” *Thompson v. United States Dep’t of Labor*, 885 F.2d 551, 555 (9th Cir. 1989) (emphasis in original; citations omitted).

The newly discovered evidence prescribing administrative procedures that systemically and systematically shows falsification and alteration of federal Title IV-D records as it relates to Rhode Island's unlawful 12% compound interest that prescribes “zeroing out” interest and altering support orders to zero out interest, purposefully on its face is intended to conceal the unlawful and 42 U.S.C. § 654(21)(A) noncompliant 12% compound interest Rhode Island Defendants seek to collect in actions in debt, triggering systemic (1) RICO liability, (2) false claims liability and (3) obstruction liability. The Supreme Court *Trump v. U.S.*, 603 U.S. \_\_ (2024) and *Fischer v. U.S.*, 603 U.S. \_\_ (2024) made it crystal clear that alterations and falsification of court orders trigger 18 U.S.C. § 1512(c)(2), record alterations that interfere with a pending proceeding, which is precisely what the functus officio William E. Smith leading the charge of the remainder aforesaid persons did post-appeal, and concealed the record alteration, that as it turns out, goes towards the impeding and impairing the availability of, and concealment of [precisely and textually what the new evidence prescribes to do, alter court orders to zero out the interest. The whole district court post-judgment administrative record and Smith's former clients' Title IV-D administrative record must now be brought before this Court.

**II. FED. R. CIV. P. 62.1 ALLOWS THIS COURT TO REMEDY SMITH’S,  
JOHN DOE’S, JANE DOE’S AND DEFENDANTS’ CRIMINAL  
MALFEASANCE.**

2. Defendants’ criminal record alteration and falsification obstruction malfeasance infiltrates the federal district court for the District of Rhode Island by their former attorney, the *functus officio* William E. Smith, who led the *functus officio* charge to tamper the record on appeal of 23-1967 post-appeal during the pendency of the appeal, corruptly calculated in part to make the federal appellate court to falsely believe it lacked jurisdiction over an appeal proper before it – since post-judgment Smith obstructed appellate review of Plaintiff’s monetary damages claims for, as it turns out, his former clients’ systemic administrative procedures of Title IV-D that alters and falsifies the interest records calculated to ultimately make false claims for Rhode Island’s unlawful 12% compound interest debt, and to make false claims for federal funding operating the RICO scheme – Smith himself has a personal interest in the outcome of this matter, as he knew and should have known the systemic odious Title IV-D federal record falsification that is in effect throughout all political subdivisions of Rhode Island, who are his former clients, with whom he had in addition, intimate political and personal relationships – his judgeship is precisely owed to this very loyal political relationship to Governor Chafee who is responsible for approving the record alteration administrative procedures dated **2011** that is in question in **2011**, (see Exhibit I, at bottom left

corner of document, date of 2011); central to the facts and evidence is the fact that Governor Chafee oversaw the Executive Office of Health and Human Services that also had to approve the record alteration administrative procedures under Rhode Island laws and regulations that themselves are regulated by federal law and auditors under Title IV-D. *See*, Rhode Island General Laws § 42-7.2-2, § 42-7.2-4, § 42-7.2-5, § 42-7.2-6, § 42-7.2-6.1(2). The new evidence makes clear that the “zeroing out interest” procedures apply to Rhode Island’s prior legacy Title IV-D computer system named InRed. *See* Exhibit I. InRed is the legacy system that Rhode Island implement in response to Congress’s 1996 Amendments to Title IV-D that required participating States to implement a computer record system for federal Title IV-D records, that needed to be in effect by the year 2000. *See* 42 U.S.C. §654(24), (27). From 1996 to 2002, Smith built and headed the largest Rhode Island Public Law Practice advising a broad base of political subdivisions of Rhode Island covered by 42 U.S.C. §654(1), who knew and should have known Rhode Island’s falsification of Title IV-D records in response to Congress’s 1996 Amendments across the State in order to falsely make it look like Rhode Island federal law compliant, calculated to make claims for federal funding Rhode Island knew it is ineligible for, and would moreover incur substantial penalties. *See* 42 U.S.C. §655. Accordingly, Smith’s personal interest in the outcome of this matter is so great that he led the charge pre-appeal to obstruct docketing of three post-

judgment motions raising his disqualification, and then post-appeal to alter the record on appeal, to falsely make it look like there were pending post-judge motions before the filing of the notice of appeal in order to falsely make the appellate falsely believe that the appellate court lacked jurisdiction to review *de novo* Plaintiff's properly filed appeal (ECF 32, 32-1, 33, 33-1). Smith *et al.* is exposed to Bivens liabilities under federal law for their post-appeal actions, and Defendants' and their counsels' federal obstruction actions expose them to tort, Section 1983 and RICO monetary damages liabilities.

2. Plaintiff has already proffered the newly discovered evidence to obtain an indicative ruling – see ECF 64. To reiterate, “A party proffering newly discovered evidence may obtain an indicative ruling from a district court concerning relief from judgment pending appeal.” *Franken v. Mukamal*, 449 F. App'x 776, 779 (11th Cir. 2011) (citing Fed. R. Civ. P. 62.1; Fed. R. App. P. 12.1); see also *Amarin Pharm. Ireland v. Food & Drug Admin.*, 139 F. Supp. 3d 437, 447 (D.D.C. 2015) (“Where a district court concludes, for example, that newly discovered evidence warrants vacatur of a judgment that is already on appeal, the court can issue an indicative ruling . . .”).

3. Once an appeal is filed, the District Court no longer has jurisdiction to consider motions to vacate judgment. *Gould v. Mut. Life Ins. Co. of N.Y.*, 790 F.2d 769, 772 (9th Cir.1986). However, the District Court may entertain and decide a motion

after notice of appeal is filed if the movant adheres to Rule 62.1, which sets forth a process to “ask the district court whether it wishes to entertain the motion, or to grant it, and then move this court, if appropriate, for remand of the case.” *Id*; see also *Crateo, Inc. v. Intermark, Inc.*, 536 F.2d 862, 869 (9th Cir. 1976) (“The most the District Court could do was to either indicate that it would ‘entertain’ such a motion or indicate that it would grant such a motion.”). If the District Court states that it would grant the motion or that the motion raises a “substantial issue,” the movant must notify the Circuit Clerk and the District Court “may decide the motion if the court of appeals remands for that purpose.” Fed. R. Civ. P. 62.1(b), (c); see also *Hoopa Valley Tribe v. Nat’l Marine Fisheries Serv.*, No. 16- 04294, 2018 WL 2010980, at \*4 (N.D. Cal. Apr. 30, 2018) (district courts “have authority to deny [a motion], but . . . may not grant it without a remand from the court of appeals”).

**1. Fed. R. Civ. P. 60(b) Relief From This Court’s Judgment is Appropriate.**

4. Usually, Rule 62.1 relief is sought under Rule 60(b). See *Williams v. Woodford*, 384 F.3d 567, 586 (9th Cir. 2004) (“To seek Rule 60(b) relief during the pendency of an appeal, the proper procedure is to ask the district court whether it wishes to entertain the motion, or to grant it, and then move this court, if appropriate, for remand of the case.”). As explained in *Hake v. Guardian Life Ins. Co.*: Rule 62.1 permits the Court to make an “indicative ruling” on a post-judgment motion to give

the Court of Appeals an indication on how the Court would rule if it still had jurisdiction to rule. The Rule 62.1 “indicative ruling” procedure was instituted to deal with post-appeal Rule 60(b) motions, where a district court lacks jurisdiction to rule directly. No. 07-1712, 2010 WL 11578944, at \*2 (D. Nev. Apr. 1, 2010) (citing Fed. R. Civ. P. 62.1 advisory committee’s note). In *Comm. on Oversight & Gov’t Reform, United States House of Representatives v. Sessions* it was similarly explained: Rule 62.1 provides that upon the timely filing of a motion for relief that the court lacks authority to grant because of an appeal that has been docketed and is pending, the court may: (1) defer considering the motion; (2) deny the motion; or (3) state either that it would grant the motion if the court of appeals remands for that purpose or that the motion raises a substantial issue. This rule is invoked in situations where a court has lost jurisdiction over a case because it has been docketed for appeal, and therefore cannot entertain motions such as those made under Rule 60(b) for relief from judgment. Rule 62.1 allows a court to indicate to the appeals court that it would grant the party’s motion if remanded to the lower court. 344 F. Supp. 3d 1, 7 (D.D.C. 2018) (quotation omitted).

## **2. Fed. R. Civ. P. 15(a)(2) Leave To Amend Is Also Appropriate.**

5. While “Rule 62.1 codifies the procedure most courts used to address Rule 60(b) motions to vacate final judgments which had already been appealed . . . , nothing in Rule 62.1’s language limits its application to Rule 60(b) motions or to motions

made after final judgment.” *Ret. Bd. of Policemen's Annuity v. Bank of New York Mellon*, 297 F.R.D. 218, 221 (S.D.N.Y. 2013). The Advisory Committee’s note confirms that it “adopt[ed] for any motion that the district court cannot grant because of a pending appeal the practice that most courts follow when a party makes a Rule 60(b) motion to vacate a judgment that is pending on appeal.” Fed. R. Civ. P. 62.1 Advisory Committee’s Note; see also *Idaho Bldg. & Const. Trades Council, AFL-CIO v. Wasden*, No. 11-0253, 2013 WL 1867067, at \*3 (D. Idaho May 1, 2013) (issuing an indicative ruling under Rule 62.1 regarding a motion to add a party under Rule 21); *Reflex Media, Inc. v. Chan*, No. 16- 0795, 2017 WL 8223985, at \*1 (C.D. Cal. Oct. 17, 2017) (“Rule 62.1 provisions were originally drafted as an addition to Rule 60, addressing only relief under Rule 60 pending appeal, but the proposal was broadened to include all circumstances in which a pending appeal ousts district court authority to grant relief.”). Thus, an indicative ruling is appropriate where, under any Rule of Federal Procedure, it would “allow for the timely resolution of motions which may further the appeal or obviate its necessity” and not simply “place a district court in a position where it must predict the outcome of an appeal of its own decision.” *United States v. Brennan*, 385 F. Supp. 3d 205, 208 (W.D.N.Y. 2019) (quotation omitted); see e.g. *Rabang v. Kelly*, No. 17-088, 2018 WL 1737944, at \*3 (W.D. Wash. Apr. 11, 2018) (denying a Rule 62.1 motion that was “simply asking this Court to decide the question on appeal”).

6. Plaintiff is requesting that this Court allow Plaintiff to assert new **Bivens** claims, tort claims, Section 1983 claims and RICO claims, and add new federal and state individual defendants, based on both pre-appeal federal records falsification obstruction (covering both federal Title IV-D records and federal court records) and also subsequent actions by *functus officio* William Smith leading the charge altering federal records on appeal during the pendency of an official proceeding and based on new evidence that was not—but should have been—available when Defendants made their filings in the district court. Attached to Exhibit I is so the forensic investigation of the record on appeal that Smith et al. altered performed by Plaintiff and the appellate court in an official proceeding, after which the appellate court found, despite Smith *et al.*,’s record alteration, that the appellate court has jurisdiction, inherent in which Smith *et al.*,’s post-appeal alterations of the record are nothing but *functus officio void ab initio* actions and inactions that obstructed the pending appellate proceeding, inherently criminally.

### **3. Fed. R. Civ. P. 15(d) Leave To Supplement Is Also Appropriate.**

6. Fed. R. Civ. P. 15(d) provides:

“Supplemental Pleadings. On motion and reasonable notice, the court may, on just terms, permit a party to serve a supplemental pleading setting out any transaction, occurrence, or event that happened after the date of the pleading to be supplemented. The court may permit supplementation even

though the original pleading is defective in stating a claim or defense. The court may order that the opposing party plead to the supplemental pleading within a specified time.”

7. The rule is intended “to give district courts broad discretion in allowing supplemental pleadings[,]” and promote judicial economy and convenience. Moreover, “[i]t is a useful device, enabling a court to award complete relief, or more nearly complete relief, in one action, and to avoid the cost, delay and waste of separate actions which must be separately tried and prosecuted.” *See, U.S. ex rel. Gadbois v. PharMerica Corp.*, 809 F.3d 1, 4 (1st Cir. 2015) (“Fed. R. Civ. P. 15(d) affords litigants a pathway for pleading any transaction, occurrence, or event that happened after the date of the pleading to be supplemented. The rule shares the core objective of the Civil Rules: to make pleadings a means to achieve an orderly and fair administration of justice.”). *See, also, San Luis & Delta-Mendota Water Auth. v. U.S. Dept. of Int.*, 236 F.R.D. 491, 495-96 (E.D. Cal. 2006) (quoting *Keith v. Volpe*, 858 F.2d 467, 473, 496. (9th Cir. 1988)). A supplemental pleading differs from an amended pleading: although an amended pleading concerns matters that happened prior to the original pleading and serves to completely replace the original pleading, a supplemental pleading concerns events that happened after the initial pleading and adds to the initial pleading. Therefore, it is appropriate for parties to follow up their pleadings with supplemental pleadings should that be

needed to bring a case up to date. *See, Habitat Educ. Ctr., Inc. v. Kimbell*, 250 F.R.D. 397, 401 (E.D. Wis. 2008); *Millay v. Surry Sch. Dept.*, 584 F. Supp. 2d 219, 226 (D. Maine 2008) (quoting *United States v. Russell*, 241 F.2d 879, 882 (1st Cir. 1957)); see also, *Francis ex rel. Estate of Francis v. Northumberland Cty.*, 636 F. Supp. 2d 368, 383 (M.D. Pa. 2009). Supplemental pleadings are particularly flexible—even when parties have mislabeled requests for supplemental pleadings, courts have granted leave to file the correct type of pleading. Because the motions under the rule for amended pleading and supplemental pleading are both within the discretion of the court, the fact that parties may incorrectly plead one or the other is not fatal. Thus, courts may treat amended pleadings which seek to add claims to the original pleadings as if they had been properly filed pursuant to Rule 15(d), even if incorrectly labeled. *See, e.g., Broadview Chem. Corp. v. Loctite Corp.*, No. 13104, 1970 WL 10113, \*1 (D. Conn. Sept. 23, 1970); *Soler v. G & U, Inc.*, 103 F.R.D. 69, 73 (S.D.N.Y. 1984).

8. A supplemental pleading may be used for numerous purposes. Supplemental pleadings may be used to introduce facts which bring the original pleading up to date, including new facts which enlarge or change the relief first sought.

Additionally, supplemental pleadings may reflect events that occurred after the original pleading was first filed. Although some courts have held that supplemental pleadings cannot assert new causes of action, other courts have allowed such

pleadings so long as the new pleading is based on the events and facts raised in the original pleading and does not unduly prejudice the opposing party. *See, Kaiser-Frazier Corp. v. Otis & Co.*, 8 F.R.D. 364, 367 (S.D.N.Y. 1948); *see, City of Texarkana, Tex. v. Arkansas, Louisiana Gas Co.*, 306 U.S. 188, 203 (1939); *see also, Health Ins. Ass'n of America v. Goddard Claussen Porter Novelli*, 213 F.R.D. 63, 67 (D.D.C. 2003) (quoting *Aftergood v. Central Intelligence Agency*, 225 F. Supp. 2d 27, 30 (D.D.C. 2002)).

9. Under the 1963 amendments to the Federal Rules of Civil Procedure, courts have been given great discretion to allow for supplemental pleadings, even under circumstances concerning defective original pleadings. The court may allow supplemental pleading even though the original pleading is defective in stating a claim or defense. All of this is to say that Fed. R. Civ. P. 15(d) allows for broad and flexible supplemental pleading, which permits litigants to correct, add and supplement without the added cost and expense of dismissal and subsequent suits over the same set of issues or bringing new claims in a *separate* suit. *See, Notes of Advisory Committee on 1963 Amendment to FED. R. CIV. P. 15(d)*; *see also, Harnett v. Barr*, 538 F. Supp. 2d 511, 514 (N.D.N.Y. 2008). Under the law, Plaintiff is entitled to Rule 15(d) relief to supplement the amended complaint.

## **II. PLAINTIFF DESERVES FED. R. CIV. P. 60(B), 15(A)(2) AND 15(D) RELIEF.**

**1. Plaintiff Deserves Leave To Supplement Pleading and To Plead New Bivens, Tort, Section 1983 and Civil RICO Claims By Amendment.**

10. Under *U.S. ex rel. Gadbois v. PharMerica Corp.*, 809 F.3d 1, 4 (1st Cir. 2015), (“Fed. R. Civ. P. 15(d) affords litigants, such as the Plaintiff, a pathway for pleading any transaction, occurrence, or event that happened after the date of the pleading to be supplemented. The rule shares the core objective of the Civil Rules: to make pleadings a means to achieve an orderly and fair administration of justice.”) Moreover, a motion to amend the complaint “can be entertained if the judgment is first reopened under a motion brought under Rule 59 or 60.” *Lindauer v. Rogers*, 91 F.3d 1355, 1357 (9th Cir. 1996); see also *Laber v. Harvey*, 438 F.3d 404, 427 (4th Cir. 2006) (same). Under Rule 60(b)(6), a judgment may be vacated for any “reason justifying relief from operation of the judgment.” Fed. R. Civ. P. 60(b)(6). The U.S. Supreme Court has held that a “motion to vacate the judgment in order to allow amendment of the complaint” constitutes such a justifying reason, so long as the movant meets the requirements of Rule 15(a). *Foman v. Davis*, 371 U.S. 178, 182 (1962). As the *Foman* rule was more recently articulated by the Fourth Circuit: “To determine whether vacatur is warranted . . . the court need not concern itself with either [Rule 59 or 60]’s legal standards. The court need only ask whether the amendment should be granted, just as it would on a prejudgment motion to amend pursuant to Fed. R. Civ. P. 15(a). In other words, a court should

evaluate a post judgment motion to amend the complaint under the same legal standard as a similar motion filed before judgment was entered—for prejudice, bad faith, or futility.” *Katyle v. Penn Nat. Gaming, Inc.*, 637 F.3d 462, 471 (4th Cir. 2011) (quotation omitted).

11. Had the Defendants not withheld in both 2022 and 2023 the new 2024 evidence, when the public officers Defendants originally produced documents pursuant to APRA in 2022, and in the district court as required by federal law based on their administration of Title IV-D, pursuant to Rule 11(b)(3), 18 U.S.C. § 4, 1503 and 1512(c)(2), the Plaintiff would have had the factual and legal basis required by Rule 11(b)(3) to seek leave to amend Plaintiff’s Amended Complaint and add the above referenced claims and add new defendants, e.g., William E. Smith, Lincoln Chafee, Office of the Governor, Secretary of Executive Office of Health and Human Services, former Firm Edwards & Angell. Plaintiff now has the evidence Plaintiff needs to bring those damages claims and add the new defendants. Plaintiff was manifestly prejudiced by not being able to seek leave to plead those five new claims to the Court under Rule 15(a). None of the new claims would be futile. All claims are plausible, if not dispositive in favor of Plaintiff. Defendants, on the other hand, have demonstrated bad faith by not originally producing the federal record alteration and falsification evidence either as part of the administrative record in July 2023, or in response to Plaintiff’s APRA-FOIA

request for administrative procedures documents or in response to Plaintiff's APRA-FOIA request for administrative procedures documents on December 1, 2022.

12. Moreover, post-appeal of this matter from November 17, 2023 onward, it is well settled law the district court is *functus officio* and *loses jurisdiction* over the matter – there is no “outer-perimeter,” for example, allowing for altering records on appeal to make it falsely look like the appellate court lacks appellate jurisdiction over a properly filed appeal where the district court clerk certified there were no pending motions at the time of filing of appeal (ECF 32, 32-1, 33, 33-1).

Obstruction *Functus Officio* acts are unofficial. Plaintiff is entitled to Bivens claims and add William E. Smith, John Doe, Jane Doe; and Plaintiff is entitled to add tort, Sections 1983 and Civil RICO claims, and add the aforesaid state defendants. Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), individuals have access to a judicial damages remedy for federal officers conduct by federal agents that violates the U.S. Constitution. In *Bivens*, the Supreme Court held that where a federal officer “acting under color of [federal] authority” commits a constitutional tort, a cause of action for money damages arises directly under the Constitution. *Bivens*, 403 U.S. at 389. The Court reasoned that “where legal rights have been invaded . . . federal courts may

use any available remedy to make good the wrong done.” *Id.* at 396 (quotation and citation

omitted). In addition, the Court found “no special factors counselling hesitation in the absence of affirmative action by Congress.” *Id.* Accordingly, the Court held that Mr. Bivens pled a cause of action under the Fourth Amendment and therefore could recover monetary damages for the agents’ violations thereof. *Id.* at 397. The Court also recognized that federal courts had the power to award equitable relief—such as injunctive relief—directly under the Constitution. *Id.*; *see also id.* at 400 (Harlan, J., concurring). Unlike a Federal Tort Claims Act (FTCA) claim, Plaintiff can file a *Bivens* action directly in district court.

## **2. Plaintiff Should Also Be Granted Rule 60(b)(2) Relief.**

13. Rule 15(a) aside, Plaintiff is independently entitled to Rule 60(b)(2) relief under the “newly discovered evidence” rule. Fed. R. Civ. P. 60(b)(2). For the Court to grant relief under this rule “the movant must show the evidence (1) existed at the time of the [judgment], (2) could not have been discovered through due diligence, and (3) was of such magnitude that production of it earlier would have been likely to change the disposition of the case.” *Jones v. Aero/Chem Corp.*, 921 F.2d 875, 878 (9th Cir. 1990) (quotation omitted). Requirements (1) and (2) are easily met. There is no doubt that this evidence was discovered after the now-appealed

judgment was issued. There is no doubt that Plaintiff made several APRA-FOIA requests for administrative procedure documents to both the Department of Human Services and Rhode Island Judiciary Defendants in 2022 and 2023. This evidence, particularly was of such magnitude that production of it earlier would have been likely to change the disposition of the case. Those new evidence show that in making systemic falsification of federal records to zero out interest in Title IV-D federal registry, federal interests are not only central to this case, but that Defendants are involved in systematic and systemic falsifying records in official proceedings systematic for the purpose of making false claims to both the United States and support obligors, in actions at debt at common law, and creating purposeful constitutional infirm Title IV proceeding forums to rig the process in a RICO scheme, that purposefully impair the availability of public Title IV-D actions in debt at common law proceeding records to federal auditors, pro se support obligors and to the public. This is not permitted under Title IV-D that is subject to the Administrative Procedures Act (APA). *Id.* at 43; see also, e.g., *ATX, Inc. v. U.S. Dep't of Transp.*, 41 F.3d 1522, 1527 (D.C. Cir. 1994) (“The test is whether ‘extraneous factors intruded into the calculus of consideration’ of the individual decisionmaker.”) (quoting *Peter Kiewit Sons' Co. v. United States Army Corps of Eng'rs*, 714 F.2d 163, 170 (D.C. Cir. 1983)); *Saget v. Trump*, 375 F. Supp. 3d 280, 360 (E.D.N.Y. 2019) (finding an agency “decision was arbitrary and

capricious due to improper political influence”); *Connecticut v. U.S. Dep’t of the Interior*, 363 F. Supp. 3d 45, 65 (D.D.C. 2019) (APA claim where “significant political pressure was brought to bear on the issue and the Secretary may have improperly succumbed to such pressure”); *Tummino v. Torti*, 603 F. Supp. 2d 519, 544 (E.D.N.Y. 2009) (“An agency’s consideration of some relevant factors does not immunize the decision; it would still be invalid if based in whole or in part on the pressures emanating from political actors.”) (quotation omitted). The new evidence would have easily produced a different result. In addition, as noted above, had Plaintiff been in possession of the record falsification record, in particular, Plaintiff would have sought to amend Plaintiff’s Complaint pursuant to Rule 15(a) to allege additional claims and add additional defendants, as alleged above already. See e.g. *Jianhong Zhai v. Ning Liu*, No. 16-7242, 2017 WL 7156251, at \*2 (C.D. Cal. Aug. 17, 2017) (instructing plaintiffs to “file a motion to set aside the default judgment pursuant to Rule 60(b) in conjunction with a motion to supplement the complaint pursuant to Rule 15(d)” in order to include new evidence in a pleading).

14. Plaintiff is moreover entitled to Rule 60(b)(3) relief for fraud, as the new evidence delineates in detail falsification of records for false claims in actions in debt at common law – and is corollary to the *functus officio* Smith-led charge to alter the federal record on appeal.

15. Plaintiff is further entitled to Rule 60(b)(4) relief to vacate all void orders issued post appeal after November 17, 2023 by William Smith, as outlined above.

17. Plaintiff is additionally entitled to Rule 60(b)(6) relief to vacate based on the extraordinary egregious gross irreparable harm to Plaintiff that has been outlined in detail above, that implicates Public Interests in the legitimacy of the judiciary and the legitimacy of the government. District courts have jurisdiction over Bivens causes of action under 28 U.S.C. § 1331 because they are “civil actions arising under the Constitution.” *Carlson*, 446 U.S. at 21-22 (“[O]ur decisions, although not expressly addressing and deciding the question, indicate that punitive damages may be awarded in a *Bivens* suit.”); *Sanchez v. Rowe*, 651 F. Supp. 571, 574 (N.D. Tex. 1986) (“[P]unitive damages may be awarded against an individual defendant in a Bivens suit”) (citing *Carlson*, 446 U.S. at 22). The Supreme Court has reasoned that a *Bivens* action deters future constitutional violations of individual officers by providing a mechanism by which they can be held accountable for their unlawful actions. See *Malesko*, 534 U.S. at 70 (“The purpose of *Bivens* is to deter individual federal officers from committing constitutional violations.”). Plaintiff moreover is entitled to injunctive actions must brought against officers who, in their official capacities, have the authority to carry out the requested injunctive relief. See, e.g., *Hubbard v. EPA Adm’r*, 809 F.2d 1, 11 (D.C. Cir. 1986) (recognizing claim against the agency for equitable relief to remedy constitutional

violations); *Solida v. McKelvey*, 820 F.3d 1090 (9th Cir. 2016) (holding that Bivens suits are individual capacity suits; and official government action can be enjoined). Thus, in this case in which claims for both damages under *Bivens* and injunctive relief can be brought, the Plaintiff seeks to sue in both their individual capacity (for the Bivens claim) and their official capacity (for the injunctive relief claim), covering federal auditors or persons or officers who knew or should have known of alteration and falsification of federal records and obstruction in Rhode Island. *See*, the Ninth Circuit affirmed the availability of a Bivens remedy “where a federal official willfully submitted *false documentation evidence* and the submission of this evidence resulted in a complete bar to relief to which the individual was otherwise entitled under congressionally enacted laws.” *Lanuza v. Love*, 899 F.3d 1019, 1028 (9th Cir. 2018), indicating that Congress contemplated the availability of civil actions for statutory or constitutional violations by *federal officers* and *state officers authorized to act in a federal capacity*)). Notably Bivens applies to First and Fourth Amendment injuries: In 2021, the Ninth Circuit recognized a Bivens remedy against a border patrol agent for First and Fourth Amendment violations; *see, Boule v. Egbert*, 998 F.3d 370 (9th Cir. 2021) (federal agent entered the plaintiff’s private property and physically injured him).

18. Based on the above, the Court must disqualify William E. Smith and re-assign to hear this motion. As stated by James Madison, “No man is allowed to be a

judge in his own cause; because his interest would certainly bias his judgment, and, not improbably, corrupt his integrity.” The Federalist No. 10, at 59 (J. Cooke ed. 1961). William E. Smith is exposed to Bivens liability and Plaintiff has a Bivens claim against Smith. As 28 U.S.C. §455(a) is self-executing, Smith is moreover required under the law to recuse. *See, In re Martinez-Catala*, 129 F.3d 213, 220 (1st Cir. 1991).

19. The issues raised herein are hereby preserved on the record and is ripe for Article III review by the Supreme Court of the United States.

## VI. CONCLUSION

20. Plaintiff is entitled to Bivens claims, tort claims, Section 1983 claims and civil RICO claims for both monetary damages remedies, punitive remedies and injunctive relief; Plaintiff is entitled to Rule 60(b), 15(a)(2) and Rule 15(d) reliefs. Plaintiff is entitled to the availability of civil actions for statutory or constitutional violations by *federal officers* and *state officers authorized to act in a federal capacity*). This Court must be allowed to discover who (state and federal) and what actually caused to and to what extent, and how falsified Title IV-D records have been transmitted to the federal Central Registry, based on which how much federal public funds has been knowingly falsely claimed to the United States under the Title IV-D legal framework to operate the RICO scheme and to support

obligors, and to the Plaintiff. Plaintiff and this Court must allow amendment and supplements to the complaint. Oral Argument is Requested.

Respectfully submitted,

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P.O. Box 22022

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Dated: September 15, 2024

### **CERTIFICATE OF SERVICE**

This is to certify that the foregoing motion has been filed on September 15, 2024 electronically transmitted to the Clerk of the Court who serves via the Court's ECF filing system, on all registered counsel of record.

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Pro Se

/s/ Mary Seguin

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## EXHIBIT I.

## SPECIFICATION FOR OCSS CHANGE ORDER

### *Auto Adjustment of Interstate Interest*

This specification will outline the process by which interstate cases are selected, automatic adjustments are created, and support orders are modified all for the purpose of removing interest from interstate cases.

### FUNCTIONAL REQUIREMENTS

It is desirable for the Rhode Island Office of Child Support Services (OCSS) to prohibit the charging of interest on interstate cases. This is manually done by placing an N in the interest field on page 2 of the support order. Entry of the N not only prohibits the charging of future interest but automatically creates adjustments to zero out any existing interest.

There currently exists on the JiaRhodes system interstate cases for which the interest field is not an N and for which there is interest due. It is these cases that the system will process.

If on an interstate case, the interest field on the support order is blank, the system will automatically place an N in the interest field and create non-cash adjustments to zero out any existing interest. No support order modification or interest adjustments will be done on interstate cases without a support order or for which the interest field is already an N or is a Y, B or P.

Two reports will be created. The first will detail the interstate cases for which a support order modification was done and for which one or more interest adjustments were created. The second report will detail interstate cases for which the interest field is Y, B or P. A Y in the interest field is an order to accrue interest while B and P are orders to stay future interest but to keep any interest that has accrued to date.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF RHODE ISLAND

MARY SEGUIN,  
*pro se*

*Plaintiff,*

VS.

Civil Action No. 1:23-cv-126-WES-PAS  
U.S. Court of Appeals for the First Circuit Appeal No. 23-1967  
Related Appeal No. 23-1851  
Related Appeal No. 24-1451

RHODE ISLAND DEPARTMENT OF HUMAN SERVICES, et al.  
*Defendants-Appellees*

*Defendants*

**RULE 62.1 INDICATIVE MOTION ON PLAINTIFF'S**

**RULE 60(b)(2) Motion based on New Evidence**

**AND**

**RULE 60(b)(3) Motion based on Fraud to Vacate the Final Judgment**

**AND**

**RULE 60(b)(4) MOTION to Vacate Void Post Appeal Orders**

**AND**

**RULE 60(b)(6) MOTION to Vacate based on 28 U.S.C. § 655(a)  
Disqualification of William E. Smith for *Functus Officio* Pattern of *Mispricio  
Clericio* Obstruction Involving the Alteration and Falsification of the Record  
on Appeal Corruptly Influencing A Pending Official Appellate Proceeding,  
NECESSITATING DISQUALIFICATION and RE-ASSIGN**

**AND**

**RULE 15(a)(2) MOTION**

**ORAL ARGUMENT REQUESTED**

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**STATE-SPONSORED ORGANIZED FRAUD, THEFT OF PUBLIC  
MONEY AND GOVERNMENT PROGRAMS INVOLVING BILLIONS OF  
DOLLARS**

**Unlawful Interstate Collection of Unlawful 12% Compound Interest Within  
the Title IV-D Legal Framework Involving Organized Felonious Obstruction  
of Justice Acts by Defendants, Obstruction of Justice and Misprision of  
Felony by Defendant Counsels, and**

**I. UNDISPUTED FACTS**

State Title IV-D Administrator and private partner Defendants withheld from the Court, concealed from United States judges and federal authorities listed in 18 U.S.C. §§ 1503, 1512, and 4 *concealed* document evidence (Exhibit A) within their possession (and knowledge) that shows the decades-long and on-going official Rhode-Island State-prescribed administrative procedure that prescribes altering and falsifying federal Central Registry records and state court orders for the purpose of concealment by “zeroing out” Rhode Island’s unlawful usurious 12% compound interest in interstate support cases, which on its face runs afoul of federal laws and regulations requiring the Rhode Island Title IV-D State Plan Administrator State Defendants to only charge interest (if any) between 3%-6% simple interest, per 42 U.S.C. § 654(21)(A). The new evidence shows the corrupt scheme put in place (regarding altering and falsifying the interest records in the

State's new computer Title IV record system as of 2011 by the State Defendants Administrators of federal Title IV-A and Title IV-D of the Social Security Act) entails the coordination of all political subdivisions of the State of Rhode Island (*see* 42 U.S.C. § 654(1) requiring the State's Title IV-D administrative procedures in place to be in effect in *all* political subdivisions of the State), to order 12% compound interest through the complicit state family court, which the Title IV-D State Administrators (State Defendants) subsequently "zero out" in the 42 U.S.C. § 654(27) computer federal records when transmitting support records to the federal Central Registry (*see* federal regulation 45 CFR 303.2 and 45 CFR 303.7), including "modifying court orders" that contain Rhode Island's unlawful 12% compound interest. Federal regulation requires the State Title IV-D Administrator Defendants to certify records transmitted to the federal Central Registry within Title IV-D framework (*see* 45 CFR 303), which the State Title IV-D Administrator Defendants falsely certified to the accuracies of the interest "zeroed-out" support records and support court orders that the Defendants modified, aided in modifying and knew were modified. In interstate support cases under 42 U.S.C. § 666(14), the State Title IV-D Administrator Defendants moreover certify systematically and systemically to Receiving States, such as Texas, that there is no interest in the support cases, after falsifying the records and support orders "zeroing out" interest. In this matter, State Title IV-D Administrator Defendants' false certifications of

“zero interest” to the United States and to Texas occurred in 2018, 2019, 2020, 2021, 2022, 2023 and 2024, and is on-going, pursuant to the new evidenced Defendants’ Title IV-D administrative procedures. New evidence shows that after the aforesaid 12% compound interest record is “zeroed out,” Defendants represent to support obligor victims that interest was “waived” then fraudulently “put interest back on the system” and pursue debt collection activities and legal actions in debt at common law, including placing fraudulent liens on properties for the Defendants’ “zeroed out” 12% compound interest against the support obligor victims, dressed up as “enforcement” under the Title IV-D legal framework in “Title IV” proceedings in constitutionally infirm forums, that moreover deprive the right to jury trial. The infirm state family court forum’s domestic procedure does not even contain rules (*e.g.* domestic rule 38 of the state family court’s rules and procedures is intentionally left blank as “reserved”) preserving the right to jury trial – the deprivation of trial by jury in a thoroughly constitutionally infirm forum for Title IV-D proceedings is intentional, so that the Defendants’ egregious systemic and systematic *criminal* “zeroing out” of Rhode Island’s unlawful 12% compound interest in both Title IV federal records and modification of support orders has not been at issue in the annals of Rhode Island Supreme Court caselaw. To that end, the Judiciary Title IV-D State Administrator Defendants make sure to conceal, impair and otherwise obstruct the availability to the public and federal

auditors alike of state court records and state judge-created laws in the State's digital courts so as to obstruct and impair the availability and access to cases in which the systemic criminal federal record alteration "zeroing out of interest" issues are actually raised in cases in the state's digital courts. Finally, to ensure that judge-created laws relating to the unlawful 12% compound interest that is "zeroed out" is cleaned up so that the State Defendants' criminal systemic record alterations in Title IV proceedings are equally "erased from the record," the State Judiciary Defendants implemented and continuously operate digital courts that operate two separate electronic case management systems, one undisclosed and unnamed "legacy system" with its own separate set of court clerks called "clerks of Reciprocal" for the filings for State Title IV-D Administrator Defendants who "zero out interest" record alterations and falsifications that only the State and the judge can see, and another separate electronic case filing system for everyone else called Odyssey, purposefully failing to integrate the two case management systems, so that: (1) State Administrator Defendants' electronic filings (pursuing 12% compound interest) cannot be seen by anyone else other than the judge and the State Defenders; (2) State Administrator Defendants' electronic filings are not noticed to the opposing party who is predominantly pro se; (3) the clerks of the state family court are not able to see the State Administrator Defendants' filings nor can the Rhode Island's Virtual Clerk see their "legacy system" filings; (4)

despite objections filed by the opposing party to the State Administrator's proposed orders (that obscure the unlawful 12% compound interest and zeroing out interest facts purposefully in vague language in order to conceal it), the judge automatically signs and enters the State's proposed orders without a hearing, in violation of due process; (5) pro se litigants are denied electronic remote access to their own court case information; (6) the public, pro se litigants and federal auditors are denied remote access to court information of Rhode Island's digital courts, effectively denied access to, obstructed from access to Rhode Island judge-created laws, in violation of the First Amendment, the Due Process and Equal Protection and Privileges and Immunities Clauses, the Supremacy Clause, the Administrative Procedures Act, and the Government Edicts Doctrine – *see* Rhode Island Supreme Court promulgated and enforced Rule 5 Denying Remote Access to Court Information to the public, pro se litigants and Federal Auditors – see new evidence Exhibit A showing Rhode Island Supreme Court acknowledgement that Rule 5 “is a problem.” More importantly, Defendants' acts carry federal criminal penalties, in violation of RICO (making false claims for debt), wire fraud, mail fraud, computer fraud, obstruction (*inter alia* 18 U.S.C. §§1512, 1503, 1516, 666). Plaintiff repeatedly raised these facts and issues of egregious criminality, to which neither Defendants nor Defendant counsel disputed, including the Rhode Island Attorney General, in the pending official federal proceeding Appeal 23-1967, nor

any explanatory justification whatsoever for systemically and systematically altering and falsifying federal Title IV records zeroing out Rhode Island's 12% compound interest for both federal central registry computer records and "modifying court orders zeroing out interest," then certifying there is no interest to both the United States and to receiving State Sovereigns. Under the Administrative Procedures Act, State Defendants' criminal record falsification and alteration to conceal Rhode Island's unlawful 12% compound interest systemically and systematically altering court orders in the system to zero out interest in order to conceal it, falsely certifying to the altered records' accuracy then making claims for federal funds under Title IV-A and Title IV-D when the State is knowingly noncompliant with federal regulation are egregious, treasonous crimes. Obvious to the Court and to *any objective observer* under 28 U.S.C. § 455(a), the integrity of federal records for one of the largest State-Federal work-together Programs is damaged, the legitimacy of the agency administration and political subdivision administration of an Act of Congress is grossly harmed, the United States is the recipient of false claims from Rhode Island, and the State Defendants systemically make false claims to support obligors within the federal Title IV-D legal framework. Defendants caused gross *irreparable harm* to the Plaintiff, and the systemic nature of Defendants' corrupt egregiously criminal administration of an

Act of Congress is a matter of extraordinary public interest causing extraordinary irreparable public harm. The aforesaid is at the state level.

At the federal level, the Plaintiff is moreover irreparably harmed by the federal judiciary in the district for Rhode Island, for similar pattern of criminal *mispriso clericio* record alteration, falsification, impairment and obstruction of the record on appeal during the pendency of Appeal No. 23-1967 by the *functus officio* William E. Smith and associating clerks of the court in the district court, in violation of 18 U.S.C. § § 1512(c)(2) and 1503. Moreover, the Plaintiff has raised the facts and criminal issues of the record on appeal in this matter in the pending Appeal No. 23-1967 to United States judges – again, none of the Defendants-Appellees disputed. The undisputed facts of the record on appeal shows the follows:

- (1) Emblazoned on the Federal Judiciary website for the district of Rhode Island is the undisputed biographical facts that U.S. District Court Judge William E. Smith has had unusually intimate multi-prong and multi-layered personal, professional **attorney-client relationships** with *numerous* state (inter alia Office of the Governor and Office of the Treasury) and municipal political subdivisions of the State of Rhode Island, and loyal political relationships with the Rhode Island government judicial and executive Appellees, who implemented the 2024 newly evidenced systemic and systematic *criminal* document alteration

of Title IV of the Social Security Act *federal records* procedures approved and operating under former Rhode Island Governor Lincoln Chafee in 2011 (systemic criminal computer record alteration procedures evidenced in the 2024 new evidence shows it is effective from 2011 (start of Chafee Governorship) to the present), for whom William Smith had quit his Partnership at his former firm Edwards & Angell in order to run Chafee's campaign full-time for the U.S. Senate in 2000; Chafee, after successful election to the Senate, in turn rewarded Smith's personal and political loyalty by nominating Smith to the federal judgeship that Smith started twenty-two years ago in 2002.

- (2) Earlier iterations (from 1996 to 2011) of the 2024 evidence showing Rhode Island's systemic and systematic *criminal* federal document alteration procedures were implemented by and in effect in *all* political subdivisions of Rhode Island (including counties, cities, towns, villages) under the Rhode Island State Plan pursuant to 42 U.S.C. § 654(1). Chafee served as the mayor of W. Warwick at the time of the seismic 1996 Congressional Amendments to Part D of Title IV of the Social Security Act, and the Rhode Island *criminal* federal document alteration procedures were in effect in W. Warwick, a political subdivision of Rhode Island, as early as 1996, zeroing out Rhode Island's 12%

compound interest systemically and systematically electronically and manually.

(3) Smith had complex and in-depth attorney-client relationships with political subdivisions of Rhode Island at multiple levels, e.g., towns, cities, counties, state judiciary, state attorney-general, state secretary, state treasury, state governor and executive subdivisions, to a well-known *personal* attorney-client relationship fact in Rhode Island with Lincoln Chafee from 1996 to 2002. This fact is so well known that the ***Federal Judiciary Website*** itself credits Smith with building Edward & Angell's Public Law Practice based on Smith's person, professional and political attorney-client relationships with the judiciary and executive Appellees, in part through his personal relationship with Chafee. Smith knew and or should have known the 2024 new evidence of Rhode Island systemic alteration of federal records for the purpose of making false claims to the United States for federal public funds of billions of dollars, and making false claims to support obligors for tens of millions of dollars within the reach of the Title IV legal framework.

(4) Before the Notice of Appeal was filed on November 17, 2024 (ECF 32), Smith interfered three times with the docketing of Appellant's filed papers on November 16, 2024 and November 17, 2024, in a pending

judicial proceeding at the federal district court in the district of Rhode Island in violation of Federal Rules of Civil Procedure 79, and federal *criminal* laws 18 U.S.C. § 1512(c)(2) and 18 U.S.C. § 1503, among others, such as *misprisio clerici*.

- (5) There were no pending motions before the docketing of the Notice of Appeal (ECF 32) on November 17, 2023 – this critical fact is now undisputable: The Court Order dated May 24, 2024 in Appeal No. 23-1967 **Document: 00118148678** found the Court has jurisdiction over Appeal No. 23-1978 after reviewing Appellant’s court-ordered Show Cause, which is only legally possible if there were no pending motions at the time of notice of appeal filing on November 17, 2023 (ECF 32).
- (6) Moreover, the district court clerk had certified there were no pending motions on November 17, 2023 (ECF 33, 33-1) – this critical fact is also undisputable: The Court Order dated May 24, 2024 in Appeal No. 23-1967 **Document: 00118148678** found the Court has jurisdiction over Appeal No. 23-1978 after reviewing Appellant’s court-ordered Show Cause.
- (7) Three days post appeal (23-1967), on November 20, 2023, the *functus officio misprisio clerici* district court judge William E. Smith, whose personal, political and professional attorney-client relationship with the

executive and judicial Appellees are at issue on appeal (and the subsequent 2024 new evidence shows Smith knew or should have known of the systemic Rhode Island falsification of federal Title IV official records in the federal Central Registry), in his *unofficial capacity* schemed to alter the record on appeal. Issuing a void, *functus officio* directive dressed up as “an order,” William E. Smith instructed the district court clerks in Rhode Island to alter the district court docket and the record on appeal, that purposefully *falsified* the record on appeal to make it look like there were pending motions on November 17, 2023. Therefore, while the federal Appeal 23-1967 was pending, Smith and the district court clerks knowingly falsified the federal record on appeal by post-appeal docketing three motions under the date November 17, 2023, to corruptly fabricate a false appellate record aimed to confuse this Court to falsely believe there were pending motions on November 17, 2023 this Court lacked jurisdiction over properly filed appeal no. 23-1978 that precisely appealed the district court’s void November 20, 2023 text order and the subsequent resulting falsification and alteration of the original record on appeal, docketing on November 20, 2023 three motions under the November 17, 2023 docket entry date for the purpose of falsely making it look like there were pending motions on November 17, 2023,

for the purpose of corruptly influencing this Court into believing it lacked jurisdiction over properly filed appeal No. 23-1978 (that appealed the validity of William Smith's post-appeal *functus officio* November 20, 2023 order). The knowing *functus officio* actions by William E. Smith and persons in the district court altering the record on appeal for the purpose of corruptly influencing and interfering with a pending federal official proceeding in their unofficial capacities, trigger 18 U.S.C. § 1512(c)(2) and § 1503, and *misprisio clerici* among others.

(8) William E. Smith's former clients, the Rhode Island government judiciary and executive Appellees, in coordination with Smith, knowingly and purposefully filed dressed up "objections" in the district court while Appeal No. 23-1967 was pending, in coordination with the *functus officio* district court transmitting altered and falsified record on appeal with the purpose of interfering with the pending No. 23-1967 and 23-1978, moreover triggered 18 U.S.C. § 1512(c)(2) and § 1503 and among others, *misprisio clerici*.

(9) On February 1, 2024, William Smith in his *functus officio misprisio clerici* unofficial capacity issued a void "order" dressed up as "in aid of the court" to interfere with the pending appeals 23-1967 and 23-1978.

(10) This appellate Court fell for the *functus officio* William E. Smith's and the Rhode Island judiciary and executive Appellees' *criminal misprisio clerici* ruse. Three days prior to the due date of the opening brief, this Court vacated its original briefing schedule on the late afternoon of a Friday, on March 1, 2024, with explicit instructions to the Appellant to file a motion for extension of time under FRAP 4 or amend the complaint in Appeal no. 23-1967.

(11) Appeal No. 24-1313 arises from the district court's equally *functus officio misprisio clerici* VOID denials (dressed up as legitimate) of timely filed FRAP 4 motions for extensions of time, that this Court-instructed Appellant to file.

(12) The *functus officio misprisio clerici* William E. Smith, in his unofficial capacity, persons in the district court in coordination with Smith, and William Smith's former clients, Rhode Island judiciary and executive Appellees, in coordination with Smith, knowingly altered and falsified the record on appeal, committed at common law *misprisio clerici*, and collectively interfered with Appeal No. 23-1967 and 23-1978, that succeeded in confusing this Court and succeeded in interfering with pending proceedings in this Court, which necessitated the filing of an

appeal of yet more *functus officio* VOID denial orders in March 2024, the resulting Appeal 24-1313.

- (13) The newly discovered evidence showing criminal systemic and systematic procedures altering and falsifying federal records by the Appellees and all political subdivisions under the State Plan federally regulated and federally funded under Part D of Title IV of the Social Security Act shows the motive behind the elaborate falsification and alteration of federal records of pending official proceedings in Appeals No. 23-1967 and 23-1978 by the *functus officio* William E. Smith, the Appellees with whom William E. Smith had intimate, extensive and broad multiple attorney-client relationships at multiple levels of political divisions and political subdivisions of the State of Rhode Island in which the systemic and systematic falsification of federal records procedures were in effect pursuant to federal regulation under 42 U.S.C. § 654(1), and *functus officio* persons employed by the district court for the district of Rhode Island, who **all knew or should have known** that making *functus officio* alterations to the record pursuant to a *functus officio* judge's void orders during the pendency of said appeals to falsely make it look like the appellate court lacked jurisdiction over a properly filed appeal corruptly interferes with the pending official appellate

proceedings. The forensic misconduct implicates on its face *misprisio clerici* by officers of the federal court, whose misconduct this Court has ministerial supervision responsibility.

(14) After this Court performed a forensic investigation of the record on appeal in the same underlying district court matter 23-cv-126 and determined that the Court has jurisdiction over Appeal 23-1978 because the forensic record investigation concluded there were no pending motions on November 17, 2023, the Court in effect determined forensic misconduct *misprisio clerici* by the *functus officio* William E. Smith who issued not one but FIVE *functus officio misprisio clerici* VOID orders post appeal, purposefully and corruptly dressed up as legitimate orders by falsifying the docket entry post-appeal on November 20, 2023 to make it look like there were pending motions at the time of the appeal of the final judgment on November 17, 2023. The forensic investigation of the record performed by this Court shows as a matter of undisputed fact that the acts of William E. Smith, the Appellees with whom Smith had extensive attorney-client relationships, and persons at the district court triggered federal criminal 18 U.S.C. § 1512(c)(2) and 18 U.S.C. § 1503, as well as *misprisio clerici* among others.

- (15) Pursuant to the performance of forensic investigation of the record on appeal, the Court of Appeals, at Plaintiff-Appellant's request, consolidated three appeals, 23-1967, 23-1978 and 24-1313.
- (16) These above extraordinary circumstances involve federal obstruction crimes by federal officers of the district court for the district of Rhode Island under *misprisio clerici* at common law.
- (17) Under these extraordinary circumstances that involve the commission of ***misprisio clerici*** by *functus officio* persons of the federal judiciary in and officers of the lower district court for the district of Rhode Island, this Court's equitable obligations and the Court's adherence to 28 U.S.C. § 455(a) require the Court to disqualify William E. Smith, at the minimum, whose actions caused appeals No. 23-1978 and 24-1313, that had stemmed from injurious harm to Appellant caused by the ***misprisio clerici*** *functus officio* forensic misconduct by William E. Smith. The Court by law should apply the superseding *Fischer vs. U.S.*, 603 U.S. \_\_\_\_ (2024), *Trump vs. U.S.*, 603 U.S. \_\_\_\_ (2024), and *Lopes Bright Enterprises, Inc. vs. Raimondo* (2024)(Slip Opinion).

Plaintiff hereby incorporates the Appellate Court's May 24, 2024 Order in **Appeal No. 23-1967 Document: 00118148678 as fully referenced herein.**

Plaintiff hereby incorporates the Appellate Court's filings Documents

**00118162842** and Document **00118178653** as fully alleged herein. The Court must note and find as a matter of fact in the record on appeal in Appeal 23-1967 that Plaintiff-Appellant repeatedly made several filings of the above facts in the pending Appeal 23-1967 for seven months from March 2024 to September 2024, to which facts the Defendants from March 2024 to September 2024 **do not dispute.** The state government defendants as a matter and fundamental issue of government legitimacy concern must dispute allegations challenging the legitimacy and legality of its actions that violate federal criminal laws in our democratic government system. The Title IV-D Administrator Defendants never disputed any of the above aforesaid facts. The aforesaid facts are **undisputed facts.** William E. Smith's extensive, broad and political attorney-client relationship makes it clear to the 28 U.S.C. § 455(a) objective observer that Smith knew or should have known about the systemic and systematic criminal alteration and falsification of federal Title IV-D records effective in ALL political subdivisions of Rhode Island under 42 U.S.C. § 654(1) with whom Smith had intimate, broad, in depth political and personal and **attorney-client relationships** in one of the largest state-federal work-together programs in the country.

In light of this newly discovered withheld and concealed evidence, Plaintiff respectfully requests that the Court indicate to the First Circuit that it would grant Plaintiffs' Rule 60(b) and 15(a)(2) Motions.

Had Defendants, who are not just officers of the federal Court but are also public officers in the First Circuit under ***United States v. §ballo-Rodriguez***, 480 F.3d 62 (1st Cir. 2007) (who are also referenced as public officers in Section 1503 and Section 1512) that applies to *any and all public federal and state officials* throughout the First Circuit as required by federal law, and when required by this Court nearly a year ago, Plaintiff would have sought leave to bring five Administrative Procedure Act (“APA”) claims, *i.e.*, that State Defendant Agency Rhode Island Department of Human Service’s November 29, 2022, decision (1) is per se arbitrary and capricious; and (2) resulted from improper criminal influence by the Office of the Child Support Services and for reasons that Congress did not intend him to consider; Defendants’ “zeroing out interest” of Title IV-D records then put the zeroed out and State falsely certified “no-interest” back on the system are criminal obstruction; Defendants’ Rule 5 concealment, impairment of availability of court information records showing the State’s systemic and systematic zeroing out of interest from federal auditors are criminal obstruction; denials of access to administrative procedures relating to the State’s making claims for all Title IV federal Public Funds related to the zeroed out interest records that are criminal obstruction. **5 U.S.C. § 706**; *Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983)

Plaintiff has now presented new evidence that “raises a substantial issue,” the relevance of which Plaintiff and this Court should at least be allowed to explore. Fed. R. Civ. P. 62.1. Plaintiff has otherwise “made [a] showing that defendants’ actions were ‘arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.’” 5 U.S.C. § 706. This Court should not countenance Defendants’ now transparent criminal dereliction of agencies’ duties—especially Title IV-D administrators’ statutory and regulatory obligation to furnish this Court the whole record. 5 U.S.C. § 706.

## **II. The Omitted New Evidence Reveal Defendants’ and Smith’s Scheme To Help Operate A ‘Racket’ Under RICO.**

The aforesaid makes clear that Defendants’ and William E. Smith’s scheme help operate a “racket” under RICO and operating false claims that involves document obstruction under 18 U.S.C. § 1512(c)(2) and 1503, including *mispisio clerico*.

## **III. Defendants Withheld The Systemic and Systematic Title IV-D Administrative Procedures Prescribing “Zero Out Interest” Federal Record Alteration and Falsification Evidence Despite Plaintiffs’ APRA-FOIA Request.**

The Defendant State Administrators of Title IV-D withheld the federal record alteration and falsification Title IV-D administrative procedures prescribing zeroing out to conceal Rhode Island’s unlawful 12% compound interest despite Plaintiff’s APRA-FOIA request. The Defendant’s administration of Title IV-D

involves falsifying federal Title IV-D records in the federal Central Registry that is regulated by federal law and regulations and the Defendants' administration is funded by federal public funds contingent upon compliance with federal laws and regulations, which Defendants purposefully schemed to violate, conceal and aimed to operate a RICO debt collecting enterprise, funded by federal public funds. It is utterly outrageous and goes towards the legitimacy of the government that commits systemic fraud and obstruction with each count punishable by 20 years imprisonment.

#### **IV. FEDERAL OBSTRUCTION OF JUSTICE CONSTRUCTION STATUTES RELATING TO DOCUMENTS IS BROAD**

1. The undisputed fact remains that Smith, persons in the district court and the Appellees altered the record on appeal in part to make it look like the Court lacked jurisdiction over Appeal 23-1978 and subsequent post-appeal void orders, succeeded in confusing this Court, the Court had to perform a forensic investigation of the record, found forensic alteration implicating *functus officio misprisio clerici* forensic misconduct by officers of the district court, and that it turns out in part was calculated to conceal a more egregious systemic document alteration and falsification crime by the State Appellees, with whom William E. Smith had extensive and broad attorney-client relationships, and who knew and should have known about the systemic federal record falsification implicating false

claims involving billions of federal public funds, showing Smith's commission of egregious *misprisio clerici* with broad implications affecting the legitimacy of the judiciary and the corrupt administration of the federal Title IV-A and Title IV-D programs.

2. Obstruction of justice as both a concept and a legal term of art has adorned the halls of Anglo-American justice in the context of professional misconduct for over four centuries. See *People ex. rel. Karlin v. Culkin*, 162 N.E. 487, 489-92 (N.Y. 1928) (Cardozo, C.J.) (tracing, with derision, the history of barristers and attorneys who have been charged with obstruction of justice back to the seventeenth century and making comparisons to contemporaneous prosecutions). In analyzing a case involving "practices obstructive or harmful to the administration of justice," Justice Cardozo considered the early instances of the attachment of culpability for such behavior, and that history underscores the importance of documentation in the judicial process dating to the 16th Century.' *Id.* at 490-91 (discussing the charge of *misprisio clerici*: the submission of writs without the required formalities). The appearance of judicial propriety, equity, and fairness was the underlying rationale behind the charge, as the Court emphatically must apply here. "Our court is 'slandered and evil spoken of, our cares and labors made void and frustrate' by the 'negligence of clerks and ministers;' the client 'beginneth to think evil of us that are judges, to suspect our skill,' and to speak evil

of the law." *Id.* (quoting in part the Lord Chief Justice of the Common Pleas, Easter Term, 9 Eliz. 1567). The charge of obstruction of justice was carried into the Americas and retained its strongly negative normative overtone. *See* THE DECLARATION OF INDEPENDENCE para. 2, 10 (U.S. 1776), noted in *O'Malley v. Woodrough*, 307 U.S. 277, 284 (1939). The Declaration of Independence is illustrative: "The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States .... He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary powers." *Id.* (emphasis added). In the twentieth century, federal obstruction of justice provisions expanded from Section 1503, the wellspring from which most of the obstruction of justice provisions arose, including section 1512. *See United States v. Poindexter*, 951 F.2d 359, 380-83 (D.C. Cir. 1991) (providing a detailed history of the development of federal obstruction of justice statutes including §§ 1503, 1505, and 1512). Sections 1503 and 1512 have been broadly construed to proscribe actions beyond those enumerated in their provisions. *See* Michael E. Tigar, *Crime Talk, Rights Talk, and Double-Talk: Thoughts on Reading the Encyclopedia of Crime and Justice*, 65 TEX. L. REV. 101, 111 n.72 (1986). Section 1512 was thought to "significantly broaden" the reach of Section 1503, even while 1503 was being read to reach outside its specifically enumerated scope.

Tigar, *supra* note 33, at 111 n.72. Modern readings of the statutes texts “corrupt” intent require only that the act in question have the reasonably foreseeable effect of obstructing a proceeding, regardless of the defendant's actual intent. *See* Jeffrey R. Kallstrom & Suzanne E. Roe, *Obstruction of Justice*, 38 AM. CRIM. L. REV. 1090-91 (2001). The prosecutorial inquiry is not, therefore, the presence of intent to obstruct the proceeding per se, but rather the presence of intent to commit an act that could reasonably be foreseen to have that effect. *Id.* Already having had to apply the necessary prosecutorial inquiry itself during the Appellate Court’s own performance of forensic investigation of the appellate record in order to determine that Appeal 23-1978 could proceed, the Appellate Court already answered in the affirmative the “presence of intent to commit an act that could reasonably be foreseen to have that effect” – the act did in fact confuse the Appellate Court, did in fact mislead the Appellate Court into falsely believing initially that the Appellate Court lacked jurisdiction over 23-1978 after William E. Smith and officers of the court in the district court altered and falsified the appellate record post-appeal (on November 20, 2023) to falsely make it look like there were pending motions when the notice of appeal was filed for appeal no. 23-1967 (ECF 32 filed on November 17, 2023). (Successfully) Misleading the Appellate Court through record alteration into falsely believing the Appellate Court lacks threshold

jurisdiction over a properly filed notice of appeal (23-1978) is a fundamental material corruption of the record on appeal.

3. Moreover, under construction of Section 1503, to be "corrupt" an act must only have the natural and probable effect of interfering with an official proceeding. Both natural and probable effect of interfering with this pending official proceeding occurred here. See *United States v. Aguilar*, 515 U.S. 593, 598-601 (1995). In *United States v. Aguilar*, a federal judge was convicted of both illegally disclosing a wiretap and obstruction of justice. Section 1512(c)(1) states, "alters, destroys, mutilates, or conceals a record, document, or other object, or attempts to do so, with the intent to impair the object's integrity or availability for use in an official proceeding." Section 1512(c)(2) states, "otherwise obstructs, influences, or impedes any official proceeding, or attempts to do so, shall be fined under this title or imprisoned not more than 20 years, or both."

4. The Supreme Court in *Fischer vs. U.S.*, 603 U.S. \_\_\_\_ (2024) made clear that Section 1512(c)(2) "otherwise obstructs, influences, or impedes any official proceeding, or attempts to do so," relates to any official proceeding obstruction involving documents and records, that this Court must apply to the district court's acts in these consolidated matters. The Court must independently review the facts of travel of the appellate record post appeal after the overturn of the *Chevron* deference (see *Lopes Bright Enterprise vs. Raimondo*, (2024) (Slip Opinion), with

no deference to the agency Defendant-Appellees who aided and abetted the criminal alteration of the record on appeal. *Trump vs. U.S.*, 603 U.S. \_\_\_\_ (2024) instructs the Court to review official and unofficial acts by public officials, that when applied here, must make the distinction among *functus officio* void acts of *mispriscio clericio* dressed up as valid judge-created law that on its face states “in aid of the court” showing intent to corruptly influence and interfere with the appellate judges in a pending official appellate proceeding when the *functus officio* William Smith lacked any authority, that the 2024 new evidence shows Smith’s action is calculated to conceal, impair, impede the availability of egregiously incriminating evidence from coming to light showing systemic and systematic federal record falsification and alteration procedures that went on for decades in Rhode Island covered by 18 U.S.C. §1512(c)(1) and (2), each count up to 20 years imprisonment.

5. Under the Court’s fundamental truth-finding and equitable obligations, these sets of extraordinary circumstances involving systematic and systemic obstruction with each count up to 20 years imprisonment warrants the Court to explore the “substantial issue.” Smith’s obstruction act is not merely prejudicial to the Plaintiff-Appellant but compounds the officer *mispriscio clericio* injury rather than provide requisite truth-seeking and equitable obligation the Court by law is required to remedy. The harm of any resulting error would be irreparable and

goes towards the legitimacy of the judiciary. Appellant hereby preserves the issues raised in this motion for Article III review by the U.S. Supreme Court and states on the record that the raised and preserved issues are ripe for Supreme Court review.

## V. LAW AND ARGUMENT

6. The Ninth Circuit Court of Appeals explains that “[t]he whole administrative record,” as per 5 U.S.C. § 706, “‘is not necessarily those documents that the agency has compiled and submitted as ‘the’ administrative record.’” The ‘whole’ administrative record . . . consists of all documents and materials directly or indirectly considered by agency decision-makers and includes evidence contrary to the agency’s position.” *Thompson v. United States Dep’t of Labor*, 885 F.2d 551, 555 (9th Cir. 1989) (emphasis in original; citations omitted). The newly discovered evidence prescribing administrative procedures that systemically and systematically shows falsification and alteration of federal Title IV-D records as it relates to Rhode Island’s unlawful 12% compound interest that prescribes “zeroing out” interest and altering support orders to zero out interest, purposefully on its face is intended to conceal the unlawful and 42 U.S.C. § 654(21)(A) noncompliant 12% compound interest Rhode Island Defendants seek to collect in actions in debt, triggering systemic (1) RICO liability, (2) false claims liability and (3) obstruction liability. The Supreme Court ***Trump v. U.S.***, 603 U.S. \_\_ (2024) made it crystal clear that alterations and falsification of court orders trigger 18 U.S.C. §

1512(c)(2), which is [precisely and textually what the new evidence prescribes to do, alter court orders to zero out the interest. The whole administrative record must now be brought before this Court.

**A. FED. R. CIV. P. 62.1 ALLOWS THIS COURT TO REMEDY DEFENDANTS' CRIMINAL MALFEASANCE.**

7. “A party proffering newly discovered evidence may obtain an indicative ruling from a district court concerning relief from judgment pending appeal.” *Franken v. Mukamal*, 449 F. App’x 776, 779 (11th Cir. 2011) (citing Fed. R. Civ. P. 62.1; Fed. R. App. P. 12.1); see also *Amarin Pharm. Ireland v. Food & Drug Admin.*, 139 F. Supp. 3d 437, 447 (D.D.C. 2015) (“Where a district court concludes, for example, that newly discovered evidence warrants vacatur of a judgment that is already on appeal, the court can issue an indicative ruling . . .”).

8. Once an appeal is filed, the District Court no longer has jurisdiction to consider motions to vacate judgment. *Gould v. Mut. Life Ins. Co. of N.Y.*, 790 F.2d 769, 772 (9th Cir.1986). However, the District Court may entertain and decide a motion after notice of appeal is filed if the movant adheres to Rule 62.1, which sets forth a process to “ask the district court whether it wishes to entertain the motion, or to grant it, and then move this court, if appropriate, for remand of the case.” *Id*; see also *Crateo, Inc. v. Intermark, Inc.*, 536 F.2d 862, 869 (9th Cir. 1976) (“The most the District Court could do was to either indicate that it would ‘entertain’ such a

motion or indicate that it would grant such a motion.”). If the District Court states that it would grant the motion or that the motion raises a “substantial issue,” the movant must notify the Circuit Clerk and the District Court “may decide the motion if the court of appeals remands for that purpose.” Fed. R. Civ. P. 62.1(b), (c); see also *Hoopa Valley Tribe v. Nat’l Marine Fisheries Serv.*, No. 16- 04294, 2018 WL 2010980, at \*4 (N.D. Cal. Apr. 30, 2018) (district courts “have authority to deny [a motion], but . . . may not grant it without a remand from the court of appeals”).

**1. Fed. R. Civ. P. 60(b) Relief From This Court’s Judgment is Appropriate.**

9. Usually, Rule 62.1 relief is sought under Rule 60(b). See *Williams v. Woodford*, 384 F.3d 567, 586 (9th Cir. 2004) (“To seek Rule 60(b) relief during the pendency of an appeal, the proper procedure is to ask the district court whether it wishes to entertain the motion, or to grant it, and then move this court, if appropriate, for remand of the case.”). As explained in *Hake v. Guardian Life Ins. Co.*: Rule 62.1 permits the Court to make an “indicative ruling” on a post-judgment motion to give the Court of Appeals an indication on how the Court would rule if it still had jurisdiction to rule. The Rule 62.1 “indicative ruling” procedure was instituted to deal with post-appeal Rule 60(b) motions, where a district court lacks jurisdiction to rule directly. No. 07-1712, 2010 WL 11578944, at \*2 (D. Nev. Apr. 1, 2010) (citing Fed. R. Civ. P. 62.1 advisory committee’s note). In *Comm. on Oversight &*

*Gov't Reform, United States House of Representatives v. Sessions* it was similarly explained: Rule 62.1 provides that upon the timely filing of a motion for relief that the court lacks authority to grant because of an appeal that has been docketed and is pending, the court may: (1) defer considering the motion; (2) deny the motion; or (3) state either that it would grant the motion if the court of appeals remands for that purpose or that the motion raises a substantial issue. This rule is invoked in situations where a court has lost jurisdiction over a case because it has been docketed for appeal, and therefore cannot entertain motions such as those made under Rule 60(b) for relief from judgment. Rule 62.1 allows a court to indicate to the appeals court that it would grant the party's motion if remanded to the lower court. 344 F. Supp. 3d 1, 7 (D.D.C. 2018) (quotation omitted).

**2. Fed. R. Civ. P. 15(a)(2) Leave To Amend Is Also Appropriate.**

10. While “Rule 62.1 codifies the procedure most courts used to address Rule 60(b) motions to vacate final judgments which had already been appealed . . . , nothing in Rule 62.1’s language limits its application to Rule 60(b) motions or to motions made after final judgment.” *Ret. Bd. of Policemen's Annuity v. Bank of New York Mellon*, 297 F.R.D. 218, 221 (S.D.N.Y. 2013). The Advisory Committee’s note confirms that it “adopt[ed] for any motion that the district court cannot grant because of a pending appeal the practice that most courts follow when a party makes a Rule 60(b) motion to vacate a judgment that is pending on appeal.”

Fed. R. Civ. P. 62.1 Advisory Committee’s Note; see also *Idaho Bldg. & Const. Trades Council, AFL-CIO v. Wasden*, No. 11-0253, 2013 WL 1867067, at \*3 (D. Idaho May 1, 2013) (issuing an indicative ruling under Rule 62.1 regarding a motion to add a party under Rule 21); *Reflex Media, Inc. v. Chan*, No. 16- 0795, 2017 WL 8223985, at \*1 (C.D. Cal. Oct. 17, 2017) (“Rule 62.1 provisions were originally drafted as an addition to Rule 60, addressing only relief under Rule 60 pending appeal, but the proposal was broadened to include all circumstances in which a pending appeal ousts districtcourt authority to grant relief.”). Thus, an indicative ruling is appropriate where, under any Rule of Federal Procedure, it would “allow for the timely resolution of motions which may further the appeal or obviate its necessity” and not simply “place a district court in a position where it must predict the outcome of an appeal of its own decision.” *United States v. Brennan*, 385 F. Supp. 3d 205, 208 (W.D.N.Y. 2019) (quotation omitted); see e.g. *Rabang v. Kelly*, No. 17-088, 2018 WL 1737944, at \*3 (W.D. Wash. Apr. 11, 2018) (denying a Rule 62.1 motion that was “simply asking this Court to decide the question on appeal”).

11. Plaintiff is requesting that this Court allow Plaintiff to assert five new claims, based on new evidence that was not—but should have been—available when Defendants made their filings in the district court.

**C. PLAINTIFF DESERVES BOTH FED. R. CIV. P. 60(B) AND 15(A)(2) RELIEF.**

**1. Plaintiff Deserves Leave To Plead Two New APA Claims By Amendment.**

12. A motion to amend the complaint “can be entertained if the judgment is first reopened under a motion brought under Rule 59 or 60.” *Lindauer v. Rogers*, 91 F.3d 1355, 1357 (9th Cir. 1996); see also *Laber v. Harvey*, 438 F.3d 404, 427 (4th Cir. 2006) (same). Under Rule 60(b)(6), a judgment may be vacated for any “reason justifying relief from operation of the judgment.” Fed. R. Civ. P. 60(b)(6). The U.S. Supreme Court has held that a “motion to vacate the judgment in order to allow amendment of the complaint” constitutes such a justifying reason, so long as the movant meets the requirements of Rule 15(a). *Foman v. Davis*, 371 U.S. 178, 182 (1962). As the Foman rule was more recently articulated by the Fourth Circuit: “To determine whether vacatur is warranted . . . the court need not concern itself with either [Rule 59 or 60]’s legal standards. The court need only ask whether the amendment should be granted, just as it would on a prejudgment motion to amend pursuant to Fed. R. Civ. P. 15(a). In other words, a court should evaluate a post judgment motion to amend the complaint under the same legal standard as a similar motion filed before judgment was entered—for prejudice, bad faith, or futility.” *Katyle v. Penn Nat. Gaming, Inc.*, 637 F.3d 462, 471 (4th Cir. 2011) (quotation omitted).

13. Had the Defendants not withheld in both 2022 and 2023 the new 2024 evidence, Plaintiff (also — per 5 U.S.C. § 706) when the public officers Defendants originally produced documents pursuant to APRA in 2022, and in the district court as required by federal law based on their administration of Title IV-D, pursuant to Rule 11(b)(3), 18 U.S.C. § 4, 1503 and 1512(c)(2), the Plaintiff would have had the factual and legal basis required by Rule 11(b)(3) to seek leave to amend Plaintiff's Amended Complaint and add five new Administrative Procedure Act (APA) claims. Plaintiff now has the evidence Plaintiff needs to bring those five claims. Plaintiff was manifestly prejudiced by not being able to seek leave to plead those five new claims to the Court under Rule 15(a). None of the new claims would be futile. All claims are plausible, if not dispositive in favor of Plaintiff. Defendants, on the other hand, have demonstrated bad faith by not originally producing the federal record alteration and falsification evidence either as part of the administrative record in July 2023, or in response to Plaintiff's APRA-FOIA request for administrative procedures documents or in response to Plaintiff's APRA-FOIA request for administrative procedures documents on December 1, 2022.

## **2. Plaintiff Should Also Be Granted Rule 60(b)(2) Relief.**

14. Rule 15(a) aside, Plaintiff is independently entitled to Rule 60(b)(2) relief under the “newly discovered evidence” rule. Fed. R. Civ. P. 60(b)(2). For the Court

to grant relief under this rule “the movant must show the evidence (1) existed at the time of the [judgment], (2) could not have been discovered through due diligence, and (3) was of such magnitude that production of it earlier would have been likely to change the disposition of the case.” *Jones v. Aero/Chem Corp.*, 921 F.2d 875, 878 (9th Cir. 1990) (quotation omitted). Requirements (1) and (2) are easily met. There is no doubt that this evidence was discovered after the now-appealed judgment was issued. There is no doubt that Plaintiff made several APRA-FOIA requests for administrative procedure documents to both the Department of Human Services and Rhode Island Judiciary Defendants in 2022 and 2023. This evidence, particularly was of such magnitude that production of it earlier would have been likely to change the disposition of the case. Those new evidence show that in making systemic falsification of federal records to zero out interest in Title IV-D federal registry, federal interests are not only central to this case, but that Defendants are involved in systematic and systemic falsifying records in official proceedings systematic for the purpose of making false claims to both the United States and support obligors, in actions at debt at common law, and creating purposeful constitutional infirm Title IV proceeding forums to rig the process in a RICO scheme, that purposefully impair the availability of public Title IV-D actions in debt at common law proceeding records to federal auditors, pro se support obligors and to the public. This is not permitted under the APA. *Id.* at 43;

see also, e.g., *ATX, Inc. v. U.S. Dep't of Transp.*, 41 F.3d 1522, 1527 (D.C. Cir. 1994) (“The test is whether ‘extraneous factors intruded into the calculus of consideration’ of the individual decisionmaker.”) (quoting *Peter Kiewit Sons’ Co. v. United States Army Corps of Eng’rs*, 714 F.2d 163, 170 (D.C. Cir. 1983)); *Saget v. Trump*, 375 F. Supp. 3d 280, 360 (E.D.N.Y. 2019) (finding an agency “decision was arbitrary and capricious due to improper political influence”); *Connecticut v. U.S. Dep’t of the Interior*, 363 F. Supp. 3d 45, 65 (D.D.C. 2019) (APA claim where “significant political pressure was brought to bear on the issue and the Secretary may have improperly succumbed to such pressure”); *Tummino v. Torti*, 603 F. Supp. 2d 519, 544 (E.D.N.Y. 2009) (“An agency’s consideration of some relevant factors does not immunize the decision; it would still be invalid if based in whole or in part on the pressures emanating from political actors.”) (quotation omitted). The new evidence would have easily produced a different result. In addition, as noted above, had Plaintiff been in possession of the record falsification record, in particular, Plaintiff would have sought to amend Plaintiff’s Complaint pursuant to Rule 15(a) to allege additional five APA claims, as alleged above already. See e.g. *Jianhong Zhai v. Ning Liu*, No. 16-7242, 2017 WL 7156251, at \*2 (C.D. Cal. Aug. 17, 2017) (instructing plaintiffs to “file a motion to set aside the default judgment pursuant to Rule 60(b) in conjunction with a motion to

supplement the complaint pursuant to Rule 15(d)” in order to include new evidence in a pleading).

15. Plaintiff is moreover entitled to Rule 60(b)(3) relief for fraud, as the new evidence delineates in detail falsification of records for false claims in actions in debt at common law.

16. Plaintiff is further entitled to Rule 60(b)(4) relief to vacate all void orders issued post appeal after November 17, 2023 by William Smith, as outlined above.

17. Plaintiff is additionally entitled to Rule 60(b)(6) relief to vacate based on the extraordinary egregious gross irreparable harm to Plaintiff that has been outlined in detail above.

18. Based on the above, the Court must disqualify William E. Smith and re-assign to hear this motion.

19. The issues raised herein are hereby preserved on the record and is ripe for Article III review by the Supreme Court of the United States.

## **VI. CONCLUSION**

20. Plaintiff and this Court must be allowed to discover who and what actually caused to and to what extent, and how falsified Title IV-D records have been transmitted to the federal Central Registry, based on which how much federal

public funds has been knowingly falsely claimed to the United States to operate the RICO scheme and to support obligors, and to the Plaintiff. Oral Argument is Requested.

Respectfully submitted,

Mary Seguin

Pro Se

/s/ Mary Seguin

Email: [maryseguin22022@gmail.com](mailto:maryseguin22022@gmail.com)

Phone: (281)744-2016

P.O. Box 22022

Houston, TX 77019

Dated: September 5, 2024

### **CERTIFICATE OF SERVICE**

This is to certify that the foregoing motion has been filed on September 5, 2024 electronically transmitted to the Clerk of the Court who serves via the Court's ECF filing system, on all registered counsel of record.

Mary Seguin

Pro Se

/s/ Mary Seguin

Email: [maryseguin22022@gmail.com](mailto:maryseguin22022@gmail.com)

Phone: (281)744-2016

P.O. Box 22022

Houston, TX 77019

## Exhibit A

## SPECIFICATION FOR OCSS CHANGE ORDER

### *Auto Adjustment of Interstate Interest*

This specification will outline the process by which interstate cases are selected, automatic adjustments are created, and support orders are modified all for the purpose of removing interest from interstate cases.

### FUNCTIONAL REQUIREMENTS

It is desirable for the Rhode Island Office of Child Support Services (OCSS) to prohibit the charging of interest on interstate cases. This is manually done by placing an N in the interest field on page 2 of the support order. Entry of the N not only prohibits the charging of future interest but automatically creates adjustments to zero out any existing interest.

There currently exists on the JiaRhodes system interstate cases for which the interest field is not an N and for which there is interest due. It is these cases that the system will process.

If on an interstate case, the interest field on the support order is blank, the system will automatically place an N in the interest field and create non-cash adjustments to zero out any existing interest. No support order modification or interest adjustments will be done on interstate cases without a support order or for which the interest field is already an N or is a Y, B or P.

Two reports will be created. The first will detail the interstate cases for which a support order modification was done and for which one or more interest adjustments were created. The second report will detail interstate cases for which the interest field is Y, B or P. A Y in the interest field is an order to accrue interest while B and P are orders to stay future interest but to keep any interest that has accrued to date.

12/13/22 11:28 CASE TRACKING  
TRAC.00 CASE HISTORY

CSCL ASMXA201  
U824 PROD

STARTING DATE 09 01 2021  
SELECTION COMPREHENSIVE CASE HISTORY

12/06/21 KEVIN TIGHE (KDT5558) ENTERED COMMENT  
AGENT CONTACTED ME THAT NCP WANTS TO PAY ALL ARREARS TO OBTAIN PASSPORT. I  
CALLED CP PRIVATE ATTORNEY BARBARA GRADY TO ADVISE, AND TO DISCUSS IF CP  
WANTS THE INTEREST PUT BACK ON THE CASE ( ). WE REMOVED THE INTEREST WHEN  
CASE WAS MADE UI WHEN WE WERE FILING TO TEXAS. ATTY GRADY CHECKED WITH CP  
AND CP IS SATISFIED WITH THE LUMP SUM PAYMENT OF PRINCIPLE OF \$104K +/-.  
AFTER CONFERENCE WITH MONIQUE BONIN AND FRANK DIBIASE, IT WAS DECIDED TO  
REQUIRE PAYMENT IN MORE SECURE/LESS REVERSABLE FORM THAN CREDIT CARD, SO \$  
WILL NEED TO BE WIRED OR BY BANK CHECK. AGENT WILL BE CONTACTED BACK BYNCP  
ASNCP WON'T GIVE PHONE NUMBER OR EMAIL ADDRESS. AGENT IS NOT EVEN SURE IF  
NCP IS IN COUNTRY. INTEREST IS NOT INCLUDED IN AMOUNT THAT IS CONSIDERED  
FOR PASSPORT PURPOSES IN ANY EVENT.

12/06/21 KEVIN TIGHE (KDT5558) ENTERED COMMENT

RL: 80 12 22 ABSP:  
FNX: TRAC D CLIENT:

SEGUIN  
MEYERSIEK

MARY  
GERO

K

CMD: \_\_\_\_\_  
PNL: \_\_\_\_\_

# 2800

Case Number: R20010521M  
Filed in Providence/Bristol County Family Court  
Submitted: 6/1/2023 10:13 PM  
Envelope: 4132704  
Reviewer: Maria O.

11:28:56 Tuesday, December 13, 2022

12/13/22 11:28

CASE TRACKING

CSCL ASM0A201

TRAC.00

CASE HISTORY

U824 PROD

STARTING DATE 09 01 2021

SELECTION COMPREHENSIVE CASE HISTORY

12/06/21 KEVIN TIGHE (KDT5558) ENTERED COMMENT

BUSINESS OFFICE HAS PUT A FLAG ON DISBURSMENTS SO WE CAN GET THIS SORTED  
OUT. ADVISED AGENT THAT WHILE THERE IS NO BODY ATTACHMENT FOR MCP ISSUED  
FOR OCSS, THERE MAY BE A BODY ATTACHMENT THAT ISSUED PRIVATELY, SO WE DO  
NOT WANT TO TELL THE MCP ANY MORE THAN THAT. MCP CAN CHECK WITH THE COURT.  
ATTY GRADY SAID THAT SHE DOES NOT RECALL WHETHER OR NOT BA ISSUED PRIVATELY  
FOR MCP. ONCE WE ARE SATISFIED THAT PAYMENT HAS BEEN MADE AND THE FORM  
OF IT, WE CAN NOTIFY SYSTEMS TO RELEASE THE BLOCK ON PASSPORT.

12/07/21 WENDY FOBERT (WAF2363) ENTERED COMMENT

PER ATTY KOT AT CP REQUEST REINSTATING INTEREST

12/07/21 KEVIN TIGHE (KDT5558) ENTERED COMMENT

REC'D CALL FROM ATTY GRADY THAT CP HAD RECONSIDERED AND WANTED INTEREST  
TO BE PUT BACK UP ON SYSTEM. EMAIL TO ACCOUNTING OFFICE TO PUT THE INTEREST

RL: 80 12 22 ABSP:  
FNX: TRAC D CLIENT:

SEGUIN  
MEYERSIEK

MARY  
GERO

K

CMD:

PNL:

11:29:01 Tuesday, December 13, 2022

12/13/22 11:28 CASE TRACKING  
TRAC.00 CASE HISTORY  
STARTING DATE 09 01 2021  
SELECTION COMPREHENSIVE CASE HISTORY

CSCL ASM0A201  
UB24 PROG

12/07/21 KEVIN TIGHE (KDT5558) ENTERED COMMENT  
REC'D CALL FROM ATTY GRADY THAT CP HAD RECONSIDERED AND WANTED INTEREST  
TO BE PUT BACK UP ON SYSTEM. EMAIL TO ACCOUNTING OFFICE TO PUT THE INTERES  
T THAT WAS REMOVED IN 10/18 BACK UP ON SYSTEM AND TO RUN INTEREST FORWARD.

12/09/21 WENDY FOBERT (WAF2363) ENTERED COMMENT  
SUSPEND DISBURSEMENT FLAG WAS CHANGED FROM B TO SPACE  
FROM CASE DATA PANEL

12/09/21 KATHLEEN MCCUSKER (KDM8623) ENTERED COMMENT  
SUSPEND PASSPORT OFFSET WAS CHANGED FROM (BLANK) TO Y  
FROM CASE ID: [REDACTED]  
FROM OFST PANEL

12/09/21 KEVIN TIGHE (KDT5558) ENTERED COMMENT

RL: 80 12 22 ABSP:  
FNK: TRAC D CLIENT:

SEGUIN  
MEYERSIEK

MARY  
GERO

K

CMD: \_\_\_\_\_  
PNL: \_\_\_\_\_

Filed in Providence District Court, Family Court  
Submitted: 09/01/2022 10:13 PM  
Envelope: 4132704  
Reviewed: 11/29/22

11:29:45 Tuesday, December 13, 2022

12/13/22 11:29 CASE TRACKING CSCL ASMXA201  
TRAC.00 CASE HISTORY U824 PROD  
STARTING DATE 09 01 2021  
SELECTION COMPREHENSIVE CASE HISTORY

12/09/21 KEVIN TIGHE (KOT5530) ENTERED COMMENT  
ACCOUNTING HAS CONFIRMED WITH TREASURY THAT THE \$104,000 PAYMENT HAS BEEN  
RECEIVED AND THAT THAT ACCOUNT WILL NOT ALLOW THE MONEY TO BE REVERSED OUT  
OF THE ACCOUNT. BASED ON THAT INFORMATION, I ASKED SYSTEMS TO RELEASE THE  
PASSPORT BLOCK. ACCOUNTING HAS GIVEN ME THE BANK INFORMATION THAT CAME IN  
WITH THE WIRE TRANSFER. I AM REFERRING THIS TO T. FLYNN TO RESEARCH IF WE  
CAN MATCH ACCOUNT TO MCP AND TO LIEN IT IF POSSIBLE. ATTY GRADY, WHO REP-  
RESENTS CP HAS ASKED THAT THE PAYMENT BE MADE BY CHECK RATHER THAN ON THE  
KIDSCARD. ACCOUNTING WILL DO THIS, BUT I TOLD ATTY THAT IT MAY TAKE A FEW  
DAYS TO EFFECTUATE. ATTY GRADY ALSO SENT EMAIL TODAY CONFIRMING THAT SHE  
REPRESENTS CP AND IS AUTHORIZED TO TAKE POSSESSION OF THE CHECK. CP IS  
BLIND SO COMING TO THE OFFICE TO PICK UP IS A HARDSHIP AND ACCOUNTING IS  
CONCERNED ABOUT MAILING THE CHECK.

12/09/21 WENDY FOBERT (WAF2163) ENTERED COMMENT

RL: 80 12 22 ABSP: SEGUIN MARY CMD: \_\_\_\_\_  
FNX: TRAC 0 CLIENT: MEYERSIEK GERO K FNL: \_\_\_\_\_

12/13/22 11:28 CASE TRACKING CSCL ASMXA201  
TRAC.00 CASE HISTORY U824 PROD

STARTING DATE 09 01 2021

SELECTION COMPREHENSIVE CASE HISTORY

12/09/21 WENDY FOBERT (WAF2363) ENTERED COMMENT  
CORRECT CP MEDCL ARREARS AS INTEREST OF \$6028.75 WAS ADDED TO PRINCIPAL IN  
ERROR. RELEASED \$104185.98 WIRE TRANSFER RECEIVED 12/8/21 TO NON FIP  
PRINCIPAL \$93214.56, CP MEDCL PRINCIPAL \$8675.00 AND MEDICAID PRINCIPAL  
\$2296.42

12/09/21 18:32 ASPXEND (ASPXEND) DEACTIVATED THE CODE:  
TF61 (IN ARREARS - SEND OOS REQUEST FOR CONTEMPT ACTION)

12/09/21 SYSTEM CLOSED ENFORCEMENT EPISODE WITH FINAL STATUS  
58 COMPLETED - RECEIPTS/ADJUSTMENT ENDED DELINQUENCY

12/10/21 ADAM DIAS (ACD2457) ENTERED COMMENT  
MADE ADJ TO CORRECT ACCIDENTAL ADJ THAT MADE CP MED NEGATIVE. IT IS SUPPOS  
ED TO BE \$6028.75.

RL: 80 12 22 ABSP: SEGUIN MARY CMD:  
FNX: TRAC D CLIENT: MEYERSIEK GERO K PNL:

Filed in Providence/Bristol County Family Court

Submitted: 6/1/2023 10:13 PM

Envelope: 4132704

Reviews: Map

11:29:09 Tuesday, December 13, 2022

12/13/22 11:28

CASE TRACKING

CSCL ASHXA201

TRAC.00

CASE HISTORY

U824 PROD

STARTING DATE 09 01 2021

SELECTION COMPREHENSIVE CASE HISTORY

12/09/21 WENDY FOBERT (WAF2363) ENTERED COMMENT

CORRECT CP MEDCL ARREARS AS INTEREST OF \$6028.75 WAS ADDED TO PRINCIPAL IN

ERROR. RELEASED \$104185.98 WIRE TRANSFER RECEIVED 12/8/21 TO NON FIP

PRINCIPAL \$93214.56, CP MEDCL PRINCIPAL \$8675.00 AND MEDICAID PRINCIPAL

\$2296.42

12/09/21 18:32 ASPXEND (ASPXEND) DEACTIVATED THE CODE:

TF61 (IN ARREARS - SEND OOS REQUEST FOR CONTEMPT ACTION)

12/09/21 SYSTEM CLOSED ENFORCEMENT EPISODE WITH FINAL STATUS

58 COMPLETED - RECEIPTS/ADJUSTMENT ENDED DELINQUENCY

12/10/21 ADAM DIAS (ACD2457) ENTERED COMMENT

MADE ADJ TO CORRECT ACCIDENTAL ADJ THAT MADE CP MED NEGATIVE. IT IS SUPPOS

ED TO BE \$6028.75.

RL: 80 12 22 ABSP:

FNK: TRAC D CLIENT:

SEGUIN

MEYERSIEK

MARY

GERO

K

CMD:

PNL:

11:29:13 Tuesday, December 13, 2022

12/13/22 11:28 CASE TRACKING CSCL ASMXA201  
TRAC.00 CASE HISTORY UB24 PROD  
STARTING DATE 09 01 2021  
SELECTION COMPREHENSIVE CASE HISTORY

12/14/21 TIMOTHY FLYNN (TWF3296) ENTERED COMMENT  
MAILED ADMIN. SUBPOENA AND REQ. FOR INFO TO BANK OF AMERICA

12/14/21 KEVIN TIGHE (KDT5558) ENTERED COMMENT  
CONTACTED CP'S ATTY TO ADVISE THAT CHECK IS READY TO BE PICKED UP AND TO  
PLEASE LET ME KNOW WHEN SHE WILL COME BY SO I CAN ALERT THE GUARD AT THE  
DOOR AND BRING THE CHECK DOWN TO HER.

01/04/22 TIMOTHY FLYNN (TWF3296) ENTERED COMMENT  
SPOKE WITH MARIE AT BANK OF AMERICA REGARDING A SUBPOENA THAT I HAD SENT  
TO THEM REGARDING THE NCP. SHE WILL NOTIFY AN EMPLOYEE THERE TO DO MORE  
RESEARCH

01/12/22 TIMOTHY FLYNN (TWF3296) ENTERED COMMENT  
PER SI RECEIVED LETTER TODAY FROM BANK OF AMERICA STATING THAT THE NCP HAS

RL: 80 12 22 ABSP: SEGUIN MARY CMD:  
FNX: TRAC D CLIENT: MEYERSIEK GERO K PNL:

11:29:17 Tuesday, December 13, 2022

12/13/22 11:28 CASE TRACKING CSCL ASMXA201  
TRAC.00 CASE HISTORY U824 PROD  
STARTING DATE 09 01 2021  
SELECTION COMPREHENSIVE CASE HISTORY

01/12/22 TIMOTHY FLYNN (TWF3296) ENTERED COMMENT  
PER SI RECEIVED LETTER TODAY FROM BANK OF AMERICA STATING THAT THE NCP HAS  
A CHECKING ACCOUNT WITH THEM. CREATED AN OFFLINE NOTICE OF INTENT TO LIEN  
THE NCP'S ACCOUNT. FAXED AND MAILED COPIES TO BANK OF AMERICA TODAY. WILL  
NOTICE NCP VIA MAIL AT THE TEN DAY MARK

02/21/22 TIMOTHY FLYNN (TWF3296) ENTERED COMMENT  
MAILED AND FAXED OFFLINE PERFECTED NOTICE OF LIEN TO BANK OF AMERICA  
REGARDING NCP.'S ACCOUNT. COPY MAILED TO NCP

03/04/22 SYSTEM (SYSTEM) ENTERED COMMENT  
KWS1263 CREATED THE LIEN OF INSURANCE ASSETS FORM  
ON 03/03/2022 FOR: PRIVILEGE UNDERWRITERS RECIPROCAL EXCHANGE (PURE)  
CLAIM NUMBER: TX027985

RL: 80 12 22 ABSP: SEGUIN MARY CMD:  
FNX: TRAC D CLIENT: MEYERSIEK GERO K PNL:

12:58 PM Mon Dec 5

AA cseinfo.dhs.ri.gov

ADCB Internet Banking Community Health Choice Sign In - Community Health Case Manager Portal | Offi... RI OCSS Payment

RI.gov R.I. Government Agencies | Privacy policy | Search RI.gov

State of Rhode Island  
Office of Child Support Services  
DEPARTMENT OF HUMAN SERVICES

Welcome Mary Seguin

Home My Profile Contact Us Site Map Log

Menu

- Case Information
  - Last 5 Payments
  - Last 13 Months
  - Current Orders / Past Due Balances
  - Court Dates / Appointments
  - Enforcement Actions
  - PIN Lookup

Home > Current Orders and Past Due Balances

Case Manager

Current Orders / Past Due Balances

Custodial Parent: Gero K Meyersiek CSE ID: 1689817

Current Orders

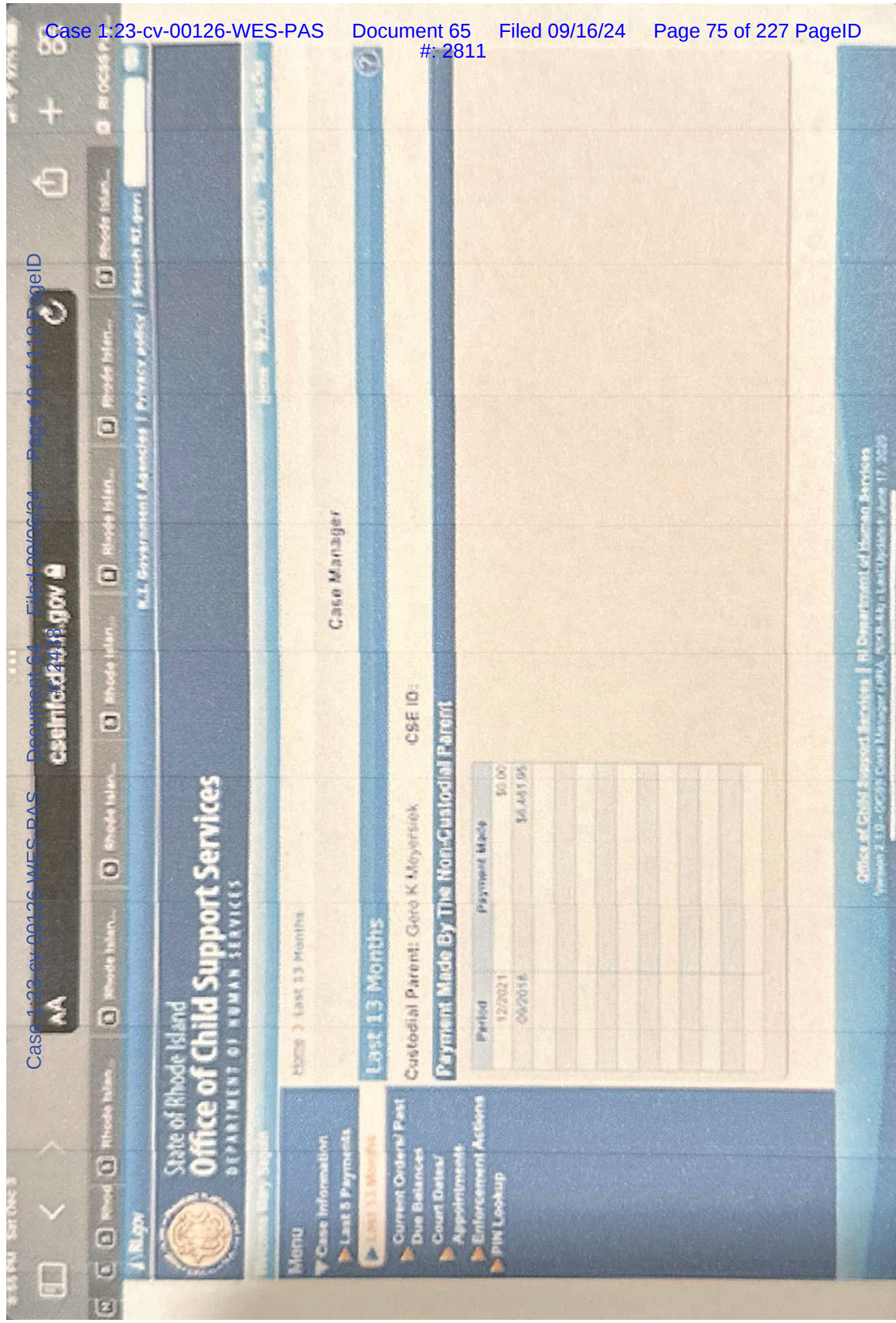
Court Order	Amount	Frequency	Begin Date	End Date
Child Support	\$218.00	Weekly	05/28/2012	06/30/2018
Arrears	\$21.80	Weekly	07/17/2012	
Past Liability	\$0.00	None		
Spousal Support	\$0.00	None		

Note: Medical orders and medical arrears are not listed on this screen.

Past Due Balances

As Of	Total Due	Arrears	Interest	Spousal
11/30/2021	\$93,214.56	\$93,214.56	\$0.00	\$0.00

Case 1:23-cv-00126-WES-PAS Document 65 Filed 09/16/24 Page 49 of 118 PageID #: 2438



## Recorded Phone Call

### Recording Name:

[Recording of phone conversations among John Langlois, Debra DeStefano and Mary Seguin recorded in Texas by Mary Seguin on October 5 2022]

### Transcript Prepared By:



**DITTO**

720-287-3710  
3801 E. Florida Ave.  
Suite 500  
Denver, CO 80210

DUNS Number: 037801851  
CAGE Code: 6C7D5  
Tax ID #: 27-2983097

1 Seguin: 'Cause all -- like, if -- if we base the practice on  
2 how things are done of -- based on what Mr. Langlois,  
3 John, is representing today, everyone should be able  
4 to look at that screenshot, that screen, and be able  
5 to rely on it, correct?

6 DeStefano: Well, yeah, I --

7 Seguin: And its accuracy, correct?

8 DeStefano: -- I mean, the agen- --

9 Seguin: So --

10 DeStefano: The agency is going to have to prove it. Yes. The  
11 agency is going to have to submit -- and, again, it --  
12 it's difficult for me to know how relevant what you're  
13 asking for is 'cause I don't know what the agency's  
14 gonna submit yet, uh, to -- to support their position.  
15 So --

16 Langlois: And can I -- can I just say, the reason I asked  
17 earlier whether, uh, Mary had spoken to Carla after  
18 she made the \$104,000 payment was because there was a  
19 change in circumstances immediately after that and I  
20 don't know whether anyone in my agency has ever  
21 explained that to Mary.

22 Seguin: Wait -- wait -- wait a minute.

23 Langlois: (Inaudible - 00:01:10)

24 Seguin: Wait a minute.

25 Langlois: (Inaudible - 00:01:11)



1 Seguin: Wait -- wait -- wait -- wait a minute. Wait a minute.

2 If there is --

3 DeStefano: Wait a minute.

4 Seguin: -- I'd like to get some documents of that. Okay? So

5 -- so, again --

6 DeStefano: Mary, what do you --

7 Seguin: -- I've asked for, I think --

8 DeStefano: Oh. Wait a minute --

9 Seguin: I -- I'm so sorry. I'm --

10 DeStefano: -- Mary. I know -- I know what you asked for. Let

11 me get to -- let me understand what John just said

12 before. So, John, you're saying there was a change

13 subsequent to her making a payment --

14 Langlois: Correct.

15 DeStefano: -- but before the Notice of Lien went out?

16 Langlois: Yes.

17 DeStefano: Okay. So --

18 Langlois: And can I -- can -- if I could just back up and

19 explain what happened. Okay?

20 DeStefano: Okay.

21 Seguin: This --

22 Langlois: This is -- 99 percent of this is a misunderstanding.

23 DeStefano: Okay.

24 Langlois: Okay?

25 Seguin: Including --



1 Langlois: (Inaudible - 00:01:51)  
2 Seguin: -- what's on the screenshot? Is that a  
3 misunderstanding?  
4 Langlois: Can -- can I speak without being shouted over?  
5 Seguin: Well, I'm --  
6 DeStefano: Mary, let --  
7 Seguin: I'm sh- --  
8 DeStefano: Let --  
9 Seguin: I'm flabbergasted really.  
10 DeStefano: Uh, Mary, you've got to let me --  
11 Seguin: Sorry.  
12 DeStefano: -- listen --  
13 Seguin: Sorry.  
14 DeStefano: -- to what the agency is gonna --  
15 Seguin: I appreciate that.  
16 DeStefano: I mean, I know -- I only know that -- what's in  
17 front of me and I don't know everything that has  
18 happened in this case, but if -- if -- let me just  
19 listen to the agency and see what they have to say for  
20 --  
21 Seguin: Sure.  
22 DeStefano: Go ahead, John.  
23 Langlois: What -- what happened in this case is when, uh --  
24 Mary's representative, her attorney, called us in late  
25 November 2021 and said there's a -- she wants her



1 passport released. What does she have to do to  
2 release her passport? They put her in touch with  
3 Carla, who gave her the \$104,000 number. Where that  
4 number came from, was the department attorney  
5 contacted the custodial parent, Mr. Miurski (ph) or,  
6 uh, Mr. -- I can't pronounce her last name.  
7 Meyersiek. So we contacted his attorney -- it wasn't  
8 me, but it was someone in my office -- and said, "If  
9 she's willing to make a \$104,000 payment to pay off  
10 the principal, would you agree to waive the \$75,000" -  
11 - I think it was \$73,000 in arrears at that time? He  
12 said yes. So Carla notified Mary that, if she paid  
13 \$104,000, it would be paid in full because he was  
14 willing to waive the interest. That was just the  
15 principal. What happened was, the day after Carla  
16 spoke to Mary and told her to mail in the -- or to --  
17 to wire the \$104,000, the attorney for Mr., um,  
18 Meyersiek contacted us again and said he changed his  
19 mind, please put the interest back up on the system,  
20 so we did. That's his money. The state is just  
21 collecting for -- for this past child support that's  
22 owed to him. If he wants the arrears, he has every  
23 right to ask for it. So the number that was given to  
24 her was correct on the day it was given to her. The  
25 arrears for \$104,000. Because when he was waiving the



1 arrears, wen he changed his mind the next day, we put  
2 the arrear -- I mean, interest back up on the system.

3 Seguin: I think --

4 Langlois: He was waiving the interest, and when that interest  
5 went back up on the system, that's why the system is  
6 now saying she owes \$73,000. That's why, in March,  
7 when the system saw that she had a, uh -- some kind of  
8 a personal injury settlement or some kind of an  
9 insurance settlement, we had -- we -- our system was  
10 showing that she owed \$73,000 in interest, so we  
11 issued the lien. But that's what happened, is when he  
12 changed his mind the next day, and that's what messed  
13 up the numbers. So that's how this all happened. It  
14 was a pure misunderstanding. I don't know whether  
15 anyone has ever explained that to Mary, how that  
16 happened.

17 DeStefano: Okay. Mary, did anybody ever explain that to you  
18 before?

19 Seguin: No. No one ever --

20 DeStefano: That the system has just -- just --

21 Seguin: -- explained any of that, and I --



TRANSCRIBER'S CERTIFICATE

I, Laurel Keller, do hereby certify that I have listened to the recording of the foregoing; further that the foregoing transcript, Pages 1 through 5, was reduced to typewritten form from a digital recording of the proceedings held October 5, 2022, in this matter; that Participant Mary Seguin has stated John Langlois and Debra DeStefano present were included in this recording; and that the foregoing is an accurate record of the proceedings as above transcribed in this matter on the date set forth.

DATED this 20th day of June, 2024.

*Laurel Keller*

Laurel Keller

Ditto Transcripts  
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Denver, CO 80210  
Tel: 720-287-3710  
Fax: 720-952-9897

DUNS Number: 037801851  
CAGE Code: 6C7D5  
Tax ID #: 27-2983097



**Supreme Court**

No. 2023-278-A.

Mary Seguin :

v. :

Rhode Island Department of Human Services :  
Office of Child Support Services.

**O R D E R**

The appellant’s “Second Motion to Repeal Rule 5 of the Rhode Island Rules of Practice Governing Public Access to Electronic Case Information”, as prayed, is denied.

The appellant’s “Second Motion to Stay Proceedings Until Repeal of Rule 5 of Rules of Practice Governing Public Access to Electronic Case Information”, as prayed, is denied.

The appellant’s “Motion to Compel and Comply with the Court’s Order”, as prayed, is denied. This Court’s November 27, 2023 Order stated that, to extent the appellant needed any materials “*related to this matter*” during the pendency of this appeal, the Clerk’s Office was directed to make reasonable efforts to provide her with the requested materials. Pursuant to that Order, the appellant is only permitted to request materials from the Clerk’s Office that have been filed in her Superior Court case (PC 22-07215) or in this appeal.

The appellant’s “Third Motion for an Extension of Time to File Statement of the Case and a Summary of the Issues Proposed to be Argued” is granted. The appellant shall either file her Rule 12A statement within *thirty (30) days* of the date of this Order or she

may seek to hold this appeal in abeyance until she is permitted remote access to case materials as a pro se litigant which access we estimate will be in effect by the end of the year.

Chief Justice Suttell did not participate.

Justice Lynch Prata did not participate.

Entered as an Order of this Court this *29<sup>th</sup>* day of *March 2024*.

By Order,

/s/ Meredith A. Benoit  
Clerk

STATE OF RHODE ISLAND

SUPREME COURT

MARY SEGUIN

*Appellant*

VS.

C.A. NO. SU-2023-0278-A

RHODE ISLAND DEPARTMENT OF HUMAN SERVICES *et al.*

*Appellees*

**APPELLANT'S MOTION FOR PRELIMINARY INJUNCTION**

Texas Appellant, MARY SEGUIN, proceeding self-represented (“pro se”), respectfully moves the Court for a preliminary injunction to enjoin the Court, also known as the Rhode Island Supreme Court, in its ministerial capacity as the Rhode Island courts rules promulgator, administrator and digital court implementor to immediately enjoin from enforcing (1) Rhode Island Supreme Court promulgated and administered Rule 5 that denies remote access to judge-created laws and all digital court information (except for the docket sheet) to the public, pro-se litigants and federal agency or federal auditors in Rhode Island’s digital courts; (2) enjoin from enforcing and ministering grossly structurally defective digital courts that operates TWO digital case management systems and TWO sets of court clerks, effectively, TWO court systems within the court that forces pro-se and all other court users to use Odyssey while executive administrative agencies, such as the Appellee Department of Human Services, file through an unnamed LEGACY case management system where agency filings are (a) only visible to themselves and the judge, (b) are invisible to pro se litigants, the public and the Virtual Clerk in

Odyssey, (c) are not digitally nor electronically noticed to the pro-se litigant, (d) the agencies' filings are managed by a separate "reciprocal court clerks" that fail to coordinate with the main court clerks who manage everyone else's filings through Odyssey, (d) that result in agency proposed orders automatically entered and signed by a judge even though objections are filed by defendants through Odyssey without a hearing thereby unconstitutionally structurally prejudiced to advantage Rhode Island's agencies in violation of *inter alia* Due Process and Equal Protection Clauses; (3) enjoin Appellees and this Court's ministered Rhode Island Family Court forum from structurally depriving defendants of United States Constitutional Seventh Amend rights to trial by jury in civil actions at law and civil actions in debt at common law (ordered support are debts (including debts signed over to the State in welfare cases) with the federal Title IV legal framework in Title IV proceedings – this Court's ministered Domestic Family Relations Rule 38 that traditionally provide for preserving the right for jury trial does not exist and is "reserved"; (4) enjoin Appellees and this Court's ministered Rhode Island Family Court forum from structurally depriving defendants of Rhode Island constitutional right to jury under Section 15 right to jury trial shall be inviolate in civil actions at law and civil action in debt at common law (ordered support are debts (including debts signed over to the State in welfare cases) within the federal Title IV illegal framework in Title IV proceedings. Appellant is unconstitutionally denied access

to judge-created laws in Rhode Island's digital courts and hereby reserves and preserves Appellant's right to amend and supplement this motion with Rhode Island judge-created laws created by the Superior Court judges, Family Court judges, and Supreme Court judges that are unpublished and freely publicly accessible on all issues raised herein. This State's constitution moreover guarantees the right to justice and entitles the Appellant to the requested remedy under Section 5 that guarantees Appellant the right to "obtain justice freely, without purchase, completely and without denial, promptly and without delay, conformably to the laws." This Court in its ministerial capacity promulgating and administering the rules of the courts and the structures of the digital courts purposefully and knowingly violate established principles of the Government Edicts Doctrine, the First Amendment, Due Process and Equal Protection, Privileges and Immunities Clauses, the Seventh Amendment, and the Supremacy Clause, as well as this state's constitution guarantees in Section 5 and Section 15. In support of this motion for preliminary injunction, Appellant incorporates all motions files before this Court requesting access to judge-created laws and court information in Rhode Island's digital courts, that have been acknowledged by this Court as "a problem" and won't be resolved until the "end of the year," and simultaneously denied immediate relief in violation of the First Amendment, Due Process, Equal Protection, Privileges and Immunities Clauses and the Government

Edicts Doctrine, violating constitutional guarantees for prompt remedy without delay and purchase, and contravening constitutional requirement to conform to the laws. The laws require this Court to minister the judicial branch's court architecture and basic structure to conform to the Laws and to the Constitution, not structurally rig proceedings to the advantage of agencies, such as the Appellees. Appellant has raised this fundamental structural issue in both lower courts (in superior court incorporating the Administrative Procedure Act over Title IV administration by Appellee, and in the family court incorporating compliance to Title IV in Title IV proceedings) to no avail, saying they can't do anything about it (denying remedy) and to go and ask the Rhode Island Supreme Court for remedy. Appellant hereby moves this Court now for the above requested remedy to enjoin the aforesaid structural bias promulgated, implemented and ministered by this Court – in other words, the lower courts point to THIS Court for unconstitutional structural bias causation - and preserves this Rhode Island Supreme Court fundamental *ministerial* unconstitutional court structural bias for United States Supreme Court review – Appellant preserves the issue of structural bias and raises before the Court that it is ripe for Article III review. Appellant raises before the Court that the Court's ministered structural bias functions to CONCEAL *criminal* agency administration of federal programs calculated to make false claims in constitutionally infirm forums that deny the fundamental right to jury trial in civil

actions at common law, to wit the Appellees' criminal policy and procedure to falsify interstate interest support records zeroing out Rhode Island's illegal 12% compound interest disallowed by 42 U.S.C. sec. 654(21)(A) then electronically transmits the falsified zeroed out interest support records to the Federal Central Registry within the Title IV legal framework, while falsely certifying the falsified support record and falsely transmitting a falsified zeroed out interest support order to the Federal Central Registry and to the Receiving State, in this case, to Texas, thus damaging and destroying the integrity of both the Federal Central Registry records and the Receiving State (this case Texas) Registry records within the Title IV legal framework – that encompassed the calculation to ultimately make false claims to the United States Title IV federal program for funding in the attempt to CONCEAL the 12% compound interest that facially contravenes 42 U.S.C. sec. 654(21)(A) for the purpose of receiving TANF and Title IV-D 66% funding that the Appellee agency persons know(s) they are not eligible for when they falsify records, zero out the unlawful 12% compound interest and “collect debt” in actions in debt at common law in constitutionally infirm forums like this Court's ministered family court that operates the illegal aforesaid structurally biased two digital case management systems that further deprives access to court information and judge-created laws to pro se litigants and the public, as well as deprive defendants the right to jury trial in actions in debt at common law, and which the

Appellee agencies knowingly scheme to conceal this penalty incurring scheme from federal auditor detection under 42 U.S.C. sec. 655. This Court's ministering and enforcement of Rule 5 effectively functions to CONCEAL from and obstruct federal auditors access to judge-created law Title IV proceeding documents that involve documented evidence of the falsification of Title IV records by Appellees routinely zeroing out Rhode Island's unlawful 12% compound interest in Title IV interstate support cases, false certifications of Title IV compliance, routinely falsifying support orders with zeroed out interest, routinely transmitting falsified records to the Federal Central Registry and routinely transmitting falsified records to the receiving states' registry carrying false certifications of regulatory compliance within the Title IV legal framework. As such, Appellant incorporates the Administrative Procedure Act that is triggered upon injury to the Appellant. This Access to Public Records Act action over the Appellees' interstate administration of the Title IV program incorporates by definition the Administrative Procedure Act. The Appellant submitted the public records request to the Appellee agency on December 1, 2022, at which time there was no pending action initiated by the Appellees. The Appellees' public records written denial on December 13, 2022 relied on alleged "unsegregable" reasons, not impending litigation. The Appellee agency Chief Counsel Ms. Martinelli's written public records denial letter dated December 16, 2022 also relied on unsegregable reasons

not impending litigation, notifying Appellant in writing of Appellant's right to appeal under the Access to Public Records Act. Mr. Coleman's written claims in this proceeding contravenes his boss Ms. Martinelli's written reasons for record denial. Either Mr. Coleman is lying on July 31, 2024 before this Court or his boss Ms. Martinelli is lying, in writing, dated December 16, 2022. Either way, the Appellee is lying, in writing, before this Court and/or committing wire fraud interstate to Texas lying about public record denials under both open records laws and the Administrative Procedure Act governing Appellee administration procedures of the federal Title IV program, that it turns out, involves routine interstate criminal fraud, false claims, obstruction, and obstruction of federal auditors. This state's open government laws never differentiate textually between Title IV records and other federal program records, conferring the family court jurisdiction over public access to Title IV records – instead jurisdiction is conferred to the Superior Court over ALL records access denial appeals irrespective of program, agency or nature. No litigation was pending at the time of APRA request and Appellee counsel Ms. Martinelli never stated impending litigation as a basis for denial on December 16, 2022, instead stating in writing “unsegregable” as the reason. The Superior Court structurally is required to review the disputed records to make a determination, not defer to Appellee agency opinions, which is controlled by new Supreme Court case law, *Loper Bright*

*Enterprise Inc. vs. Raimondo*, Slip opinion (2024) conclusively overturning the Chevron deference. In support of this motion, Appellant incorporates Appellant's Rule 12A Statement, all of Appellant's filed motions to repeal Rule 5 and grant access to judge-created laws, motion to stay, and the Court's orders to date in this matter, as fully alleged and raised herein. Moreover, Appellant states the follows:

### **New Controlling United States Supreme Court Case Law**

#### **Overturn of the Chevron Deference**

1. This Court's ministering of the biased court structure rigged in favor of the Appellee agency, replete with family court structure operating the aforesaid said biased and illegal TWO digital case management systems that blinds the pro se litigant, fails to notice the pro se litigant and coupled with access denial to court information and judge-created laws effectively functions as this Court's deference to the agency on steroids, that implements and enforces and administers structural biased rigged in favor of the Appellee agency. This Court's ministerial bias in gross deference to the Administrative State is ripe for United States Supreme Court review of this State's administration of federal Title IV that incorporates the Administrative Procedure Act over the subsequently enacted Title IV.

2. ***Lopes Bright Enterprises Inc. vs. Raimondo*** (Slip Opinion) (2024)

overturned the Chevron deference, and gives Article III courts independent review of all agency administrative actions of federal programs. This Court's ministerial administration of structurally biased state courts involving federal Title IV programs in favor of the agency that de facto functions to conceal from the public and support obligors and conceal from federal auditors court documents and otherwise records evidence relating to the Appellee agency's routine falsification of Title IV records zeroing out Rhode Island's unlawful 12% compound interest in interstate cases in order to make false claims is unconstitutional and Appellant is entitled under the Constitution to remedy upon injury. Appellant preserves the issue for United States Supreme Court review of Appellee and court structural ministering by this Court triggering 18 U.S.C. § 4 and incorporates 18 U.S.C. § 1512, 18 U.S.C. § 666, 18 U.S.C. § 241, 18 U.S.C. § 1516.

3. ***Corner Post, Inc. v. Board of Governors of the Federal Reserve***

***System***, 603 U. S. \_\_\_\_ (2024) makes clear that Appellant is entitled to remedy upon injury by the aforesaid Court ministered structural defect and the Appellee's corrupt administration of a federal program, including covering up and denying access to Appellees' routine

falsification of interstate Title IV support records under the Administrative Procedure Act that requires disclosure of records. Appellant is injured now and continues to seek denied remedy. Appellant's entitlement to remedy upon injury is moreover guaranteed by the Rhode Island constitution Section 5. This issue of remedy denial thus far is preserved for United States Supreme Court review. Appellant seeks remedy now that conform to the laws, that this Court acknowledges "is a problem" but denies Appellant the requisite immediate remedy to irreparable harms by the Court's ministerial acts. Appellant is entitled to access Rhode Island's judge's created laws relating to access to all Title IV public records, Appellee procedures zeroing out interest, procedures falsifying and certifying zeroed out interest in interstate Title IV support cases, and the procedures relating to the transmission of falsified zeroed out interest records to the Federal Central Registry and the receiving state that is moreover governed under the Administrative Procedure Act. This Court's ministerial court information and judge-created laws access denial as it relates to what the judges are up to in Rhode Island as it relates to agency administration of federal programs requires immediate First Amendment injury remedial access. This issue is preserved for Article III review.

4. On June 28, 2024, the United States Supreme Court reinforced in ***Fischer v. U.S.***, 603 U. S. \_\_\_\_ (2024), that 18 U.S.C. § 1512(c)(1) and Section 1512(c)(2) cover criminal conduct altering, fabricating and falsifying U.S. Government Federal Central Registry computer records by the State Appellees and Appellee client Gero Meyersiek. On page 9, the U.S. Supreme Court held “...subsection (c)(2) makes it a crime to impair the availability or integrity of records, documents, or objects used in an official proceeding in ways other than those specified in (c)(1). For example, it is possible to violate (c)(2) by creating false evidence—rather than altering incriminating evidence. See, e.g., *United States v. Reich*, 479 F. 3d 179, 185–187 (CA2 2007) (Sotomayor, J.) (prosecution under subsection (c)(2) for transmitting a forged court order). Subsection (c)(2) also ensures that liability is still imposed for impairing the availability or integrity of other things used in an official proceeding beyond the “record[s], document[s], or other object[s]” enumerated in (c)(1), such as witness testimony or intangible information. See, e.g., *United States v. Mintmire*, 507 F. 3d 1273, 1290 (CA11 2007) (prosecution under subsection (c)(2) based in part on the defendant’s attempt to orchestrate a witness’s grand jury testimony).” *Id.* It is plain that the district court’s description of “state enforcement” that

Appellant's newly-discovered evidence proves fundamentally involves the *wholesale policy-prescribed* criminal alteration, fabrication and falsification of federal computer government records and State Appellees' false certification of federal law compliance that are calculated to make false claims to the United States for billions of dollars of federal funding Rhode Island is not eligible for, conceal from federal auditors Rhode Island's policy-prescribed wholesale criminal falsification of federal Central Registry support obligation records and conceal from federal auditors Rhode Island's false certification of federal law compliance, in violation of 18 U.S.C. § 1512(c)(1) and (c)(2), and to make false claims to interstate support obligors for unlawful interest debt and false claims for waived interest does not only go towards the issue of Younger Abstention, but show Appellant's reporting to the United States judges under 18 U.S.C. § 4 the State Appellees' and Appellee Gero Meyersiek's violate a slew of multiple federal criminal laws discussed by ***Fischer v. U.S.***, 603 U. S. \_\_\_\_ (2024), such as 18 U.S.C. § 1516 (impairing or obstructing federal audit), 18 U.S.C. § 1503(a), for example, makes it a crime to "corruptly, or by threats or force, or by any threatening . . . communication, endeavor[] to influence, intimidate, or impede" any juror or court

officer”; “sub-sections (a)(2)(C), (b)(3), and (d)(2) criminalize various means of preventing someone from giving a judge or law enforcement officer information relating to the commission or possible commission of a federal offense. And subsections (d)(3) and (4) make it a crime to harass someone and thereby dissuade them from arresting or prosecuting a person alleged to have committed a federal offense. *None of these crimes requires an “official proceeding.”* *Id.* (emphasis added). “For a person to have violated (c)(2), “an official proceeding need not be pending or about to be instituted.” §1512(f)(1). And interference with an arrest or with communications to authorities about federal offenses could very well obstruct the initiation of future official proceedings.” *Id.* Applying the Supreme Court’s rulings of obstruction acts in *Fischer* to this matter, the record in this matter shows State Appellees, counsel for State Appellees (a state official who knows, aids and abets in the furtherance of the State Policy to falsify federal records to impair their integrity that is calculated to aid and abet Rhode Island to make false claims to the United States for federal funds Rhode Island is not eligible for and to conceal the federal penalty-incurring criminal conduct under 42 U.S.C. § 655) and Appellee Title IV client Gero Meyersiek engaging in criminal activities discussed by the

Supreme Court in *Fischer*. The Appellees by policy conceal Rhode Island's unlawful 12% compound interest by removing it thereby falsifying federal Central Registry records that impairs the records' integrity. After removing the interest that all users relying on the integrity of the records rely on record truthfulness, the Appellees then represent to the support obligor, the Appellant, that interest was waived. After removing the interest from the record, State Appellees further falsely certify to federal authorities and federal auditors that Rhode Island is federal law compliant. Then, the Appellees put back on the *state* register the unlawful 12% compound interest, then fraudulently lien Appellant's Texas properties. The State Appellee John Langlois again states in 2022 in Rhode Island's Title IV enforcement agency appeal proceeding that Appellee Gero Meyersiek waived the interest. See attached Exhibit I Transcript of audio recording Appellant made in Texas on October 5, 2022 of telephone call Appellant had with Appellee John Langlois, Esq., Deputy Chief Counsel of the Appellee Office of Child Support Services, and Debra DeStefano, Rhode Island Executive Office of Health and Human Services Appeals Officer in a Title IV enforcement agency appeal proceeding in agency Appeal No. 22-2116

that occurred on October 5, 2022, at the Title IV-D enforcement Appeal  
telephonic Hearing, pages 2-5:

“DeStefano: -- Mary. I know -- I know what you asked for. Let

11 me get to -- let me understand what John just said

12 before. So, John, you’re saying there was a change

13 subsequent to her making a payment --

14 Langlois: Correct.

15 DeStefano: -- but before the Notice of Lien went out?

16 Langlois: Yes.

17 DeStefano: Okay. So --

18 Langlois: And can I -- can -- if I could just back up and

19 explain what happened. Okay?

20 DeStefano: Okay.

21 Seguin: This --

22 Langlois: This is -- 99 percent of this is a misunderstanding.

23 DeStefano: Okay.

24 Langlois: Okay?

25 Seguin: Including --

Page 3

1 Langlois: (Inaudible - 00:01:51)

2 Seguin: -- what's on the screenshot? Is that a

3 misunderstanding?

4 Langlois: Can -- can I speak without being shouted over?

5 Seguin: Well, I'm --

6 DeStefano: Mary, let --

7 Seguin: I'm sh- --

8 DeStefano: Let --

9 Seguin: I'm flabbergasted really.

10 DeStefano: Uh, Mary, you've got to let me --

11 Seguin: Sorry.

12 DeStefano: -- listen --

13 Seguin: Sorry.

14 DeStefano: -- to what the agency is gonna --

15 Seguin: I appreciate that.

16 DeStefano: I mean, I know -- I only know that -- what's in

17 front of me and I don't know everything that has

18 happened in this case, but if -- if -- let me just

19 listen to the agency and see what they have to say for

20 --

21 Seguin: Sure.

22 DeStefano: Go ahead, John.

23 Langlois: What -- what happened in this case is when, uh --

24 Mary's representative, her attorney, called us in late

25 November 2021 and said there's a -- she wants her

Page 4

1 passport released. What does she have to do to

2 release her passport? They put her in touch with

3 Carla, who gave her the \$104,000 number. Where that

4 number came from, was the department attorney

5 contacted the custodial parent, Mr. Miurski (ph) or,

6 uh, Mr. -- I can't pronounce her last name.

7 Meyersiek. So we contacted his attorney -- it wasn't

8 me, but it was someone in my office -- and said, "If

9 she's willing to make a \$104,000 payment to pay off

10 the principal, would you agree to waive the \$75,000" -

11 - I think it was \$73,000 in arrears at that time? He

12 said yes. So Carla notified Mary that, if she paid

13 \$104,000, it would be paid in full because he was

14 willing to waive the interest. That was just the

15 principal. What happened was, the day after Carla

16 spoke to Mary and told her to mail in the -- or to --

17 to wire the \$104,000, the attorney for Mr., um,

18 Meyersiek contacted us again and said he changed his

19 mind, please put the interest back up on the system,

20 so we did. That's his money. The state is just

21 collecting for -- for this past child support that's

22 owed to him. If he wants the arrears, he has every

23 right to ask for it. So the number that was given to

24 her was correct on the day it was given to her. The

25 arrears for \$104,000. Because when he was waiving the

Page 5

2 arrears, when he changed his mind the next day, we put

2 the arrear -- I mean, interest back up on the system."

Then, after that agency proceeding was dismissed, Appellant on December 1, 2022 requested the Title IV debt collection procedure records in general jurisdiction Superior Court under this state's open records act that incorporates the federal Administrative Procedure Act. After the Appellant initiated the open records act record denial appeal in the Superior Court, the State Appellees initiated a judicial proceeding in the limited jurisdiction state family court that utterly lacks jurisdiction to put back on the federal computer system the unlawful 12% compound interest that Rhode Island Office of Child Support Services removes (and modifies the court order/falsified court order) from the Federal Central

Registry computer system, by Rhode Island's official criminal State Policy and that Appellee nonwelfare client Gero Meyersiek waived – under Title IV and all applicable federal (preemption) law, the limited jurisdiction state family court lacks jurisdiction to oblige Rhode Island State Appellees and Appellee client Gero Meyersiek. As the United States Supreme Court warns corrupt officials on July 1, 2024, “The President is not above the law.” Trump v. U.S., 603 U. S. \_\_\_\_ (2024). Nobody is above the law, the United States Supreme Court warned, much less the Appellees in Rhode Island, whose conduct by conclusive evidence have been shown to be criminally corrupt falsifying federal records for the purpose of making false claims, and reveal a sense of being above the law for decades, in this matter alone, from 1996 to the present, and is on-going. Similarly, the Court's ministerial acts described herein as it relates to ministering the structurally defective courts that favors the Appellee agency, conceals judge-created laws relating to the Appellee criminal administration of Title IV and deprives defenders' right to jury trial in actions in law and in debt at common law, are not above the law. the state family court lacks jurisdiction to unlawfully establish 12% compound interest that violates the preemptive 42 U.S.C. § 654(21)(A), or establish the 12% compound interest retroactively that violates 42 U.S.C. § 666(9)(C), or enforce unlawful 12% compound interest that is by Rhode Island's State Policy always and “automatically” removed from the Federal Government

Central Registry computer system records, including transmitting modified support orders (falsified court orders in violation of 18 U.S.C. § 1512(c)(2) see June 28, 2024 United States Supreme Court holding, **Fischer v. U.S.**, 603 U. S. \_\_\_\_ (2024), citing **United States v. Reich**, 479 F. 3d 179, 185–187 (CA2 2007) (Sotomayor, J.) (prosecution under subsection (c)(2) for trans mitting a forged court order). “Subsection (c)(2) also ensures that liability is still imposed for impairing the availability or integrity of other things used in an official proceeding beyond the “record[s], document[s], or other object[s]” enumerated in (c)(1), such as witness testimony or intangible information. See, e.g., **United States v. Mintmire**, 507 F. 3d 1273, 1290 (CA11 2007) (prosecution under subsection (c)(2) based in part on the defendant’s attempt to orchestrate a witness’s grand jury testimony)”) in order to conceal unlawful 12% compound interest from federal auditors (in violation of 18 U.S.C. § 1216, see *Fischer v. U.S., Id.*), the State Judiciary Appellees exercise the ministerial function of establishing “court rules” governing the digital courts the state judiciary implemented calculated to conceal from the public, from federal authorities, from pro-se litigants any and all judge-created laws (and the respective syllabi that show the State Appellee Department of Human Services and Office of Child Support routinely establishing and administering and enforcing unlawful 12% compound interest enabled in the state family court of limited jurisdiction that is by Rhode Island state policy criminally

removed from the Federal Central Registry, to which the Appellees transmit forged falsified self-modified court orders and whenever certifications of federal law compliance is performed) created by the state family court that lacks jurisdiction to preempt Title IV of the Social Security Act. *See, Trump vs. U.S.*, 603 U. S. \_\_\_\_ (2024) (reinforcing and directing Special Prosecutor Jack Smith to apply *Fischer vs. U.S.*, 603 U. S. \_\_\_\_ (2024); *Fischer vs. U.S.*, 603 U. S. \_\_\_\_ (2024); *LOPER BRIGHT ENTERPRISES ET AL. v. RAIMONDO, SECRETARY OF COMMERCE, ET AL.*, No. 22-451 \*Together with No. 22-1219, *Relentless, Inc., et al. v. Department of Commerce, et al.*; *Corner Post, Inc. v. Board of Governors of the Federal Reserve System*, 603 U. S. \_\_\_\_ (2024)

THIS COURT MINISTERS STRUCTURALLY CONSTITUTIONALLY INFIRM FORUMS THAT DEPRIVE THE SEVENTH AMENDMENT TRIAL BY JURY RIGHT AND R.I. CONSTITUTION SECTION 15 JURY TRIAL RIGHT IN DEBT ENFORCEMENT PROCEEDINGS THAT THE LIMITED JURISDICTION FAMILY COURT LACKS THE AUTHORITY TO CALL – APPELLANT MOVES TO ENJOIN APPELLEES AND THE COURT FROM MINISTERING FORUMS THAT DEPRIVE JURY TRIAL RIGHTS IN LEGAL ACTIONS IN DEBT AT COMMON LAW

5. the United States Supreme Court’s June 28, 2024 ruling in **S.E.C. v.**

**Jarkesy**, 603 U.S. \_\_\_\_ (2024), that upheld the defendant’s right to a trial by jury, not just a judge as in the limited jurisdiction family court, in debt enforcement proceedings. “Actions by the Government to recover

civil penalties under statutory provisions,” we explained, “historically ha[d] been viewed as [a] type of action in debt requiring trial by jury” quoting ***Tull v. U.S.***, 481 U.S., at 418-419 (1987).

6. When the state family court adjudicates, there are no juries. R.I.G.L. 8-10-3 confers no authority to the limited jurisdiction state family court to call juries. In these proceedings, the above-mentioned unconstitutional structural defect already violates the due process mandate Congress legislated in 42 U.S.C. § 666. The Fifth Circuit applied a two-part test from *Granfinanciera, S. A. v. Nordberg*, 492 U. S. 33 (1989), the panel held that the agency’s decision to adjudicate the matter in-house violated Jarkesy’s and Patriot28’s Seventh Amendment right to a jury trial. 34 F. 4th, at 451. First, the panel determined that because these SEC antifraud claims were “*akin to [a] traditional action[] in debt*,” a jury trial would be required if this case were brought in an Article III court. *Id.*, at 454; see *id.*, at 453–455. The Fifth Circuit panel concluded that case should have been brought in federal court, where a *jury could have found the facts*. Based on this Seventh Amendment violation, the panel vacated the final order. *Id.*, at 459. It also identified two further constitutional problems. First, it determined that Congress had violated the non delegation doctrine by authorizing the SEC, without adequate guidance,

to choose whether to litigate this action in an Article III court or to adjudicate the matter itself. See *id.*, at 459–463. The panel also found that the insulation of the SEC ALJs from executive supervision with two layers of for-cause removal protections violated the separation of powers. See *id.*, at 463–466.

7. Interest on overdue support claims are traditional actions in debt, and a jury trial would be required if this case were brought in an Article III court. The state family court is a constitutionally infirm forum for actions in debt that violate Seventh Amendment right and to Section 15 of the R.I. Constitution guarantee to jury trial at common law. This Court’s ministering of Title IV proceedings for actions in debt at common law in constitutionally infirm forums that deprive the defendant of the Seventh Amendment right to jury trial and Section 15 of the R.I. constitution’s right to jury trial at common law must moreover be immediately enjoined. The Appellees’ knowing deception against support obligors in actions in debt at common law in constitutionally infirm forums like the family court that deprive defendants’ right to jury trial at common law must moreover be immediately enjoined. *S.E.C. vs. Jarkesy*, 603 U.S. \_\_\_\_ (2024) is controlling, and Appellant preserves and reserves this issue (Appellant is denied access by this Court to review

R.I. judge created laws in all Rhode Island courts on the right of jury trial and further reserves the right to supplement once access is granted by the end of the year, per this Court's orders) that is ripe for United States Supreme Court review. A jury would have found the facts that the Appellees actively sought to conceal, obstruct access to, and impair access to documents relating to Appellee falsification of Title IV records, zeroing out Rhode Island's unlawful 12% compound interest that facially violate 42 U.S.C. sec. 654(21)(A) in order to make false claims. The Court's ministerial acts depriving Title IV support obligors in Title IV proceedings that deprive the right to trial by jury to find all triable facts de facto functions to aid and abet agency Appellees' making false claims to support obligors and the United States. A jury would have found triable facts surrounding the Appellee agency removal or zeroing out Rhode Island's 12% compound interest, then stating to support obligors that the \$0 interest showing resulting from the removal means interest was waived, then clandestinely illegally put the interest back on the system to make false claims. This fraudulent alteration of federal Title IV interest record by Appellees in constitutionally infirm and grossly structurally defective lower state courts implemented and ministered by the Rhode Island Supreme Court must be enjoined

immediately, must be remedied and is ripe for United States Supreme Court review. The Court's ministerial acts and the Appellees moreover violate Separation of Powers, so that the Court denies immediate remedy that conform with the law under both the U.S. Constitution and R.I. constitution. This Court's denial of remedy concerning federal interstate programs that involve egregious criminal activity thus far is ripe for Article III review.

8. Appellant incorporates this Court's four orders dated November 27, 2023, January 19, 2024, March 29, 2024 and June 7, 2024 and all motions filed before this Court to date by reference as proof of Appellant-raised and preserved but unremedied fundamental structural defect issues prejudicing not just this appeal forum but all state lower court structural defects implemented and ministered against the Appellant that violate core tenets of law and order in our democratic system, namely the Government Edicts Doctrine, the First Amendment, the Seventh Amendment, Sections 1, 5, 15 of the R.I. constitution, Due Process and Equal Protection, Privileges and Immunities Clauses and Separation of Powers in this Court's ministered digital court structure and purposely unlawfully designed architecture that shows conclusive evidence of prejudice, bias, *concealment* with knowing, admitted and

purposeful violation of the Constitution, of the First Amendment, the Due Process Clause, the Equal Protection Clause, and the Privileges and Immunities Clauses, the Seventh Amendment, Separation of Powers, and the Supremacy Clause. Denied access to judge-created laws created in Rhode Island, Appellant's Due Process is violated and Appellant is unconstitutionally targeted as a class (the public and the pro se litigants are denied access) – this evidently ministerial court policy that motivates the Rule 5 denial is upheld by the very persons who sit in a judicial capacity in this matter to continue to deny judge-created law access by its latest June 6, 2024 order denying Appellant's application for access in its entirety. Because access denial to Rhode Island's judge-created laws functions to *conceal* the law in Rhode Island relating to corrupt administration of federal programs by the Appellees and conceal from the public what the courts in Rhode Island are up to as they relate to the continuing corrupt administration of the federal programs by the Appellees, under the United States Supreme Court's established case laws on public access to court information and judge-created laws, the Court in its ministerial acts and the Appellees violate the core tenets of our democracy: see, *Richmond Newspapers v. Virginia*, 448 U.S. at 587–88 (1980) (emphasis added) “the First Amendment . . . has a

*structural* role to play in securing and fostering our republican system of self-government. Implicit in this *structural* role is not only ‘the principle that debate on public issues should be uninhibited, robust, and wide-open,’ but the antecedent assumption that valuable public debate—as well as other civic behavior—*must be informed*. The *structural* model links the First Amendment to that process of communication necessary for a democracy to survive, and thus entails solicitude not only for communication itself but also for the indispensable conditions of meaningful communication.” The structure of this Court fails to comport with the fundamental tenets of our republican system of self-government and the Constitution, evidently by design and purposefully, and rejects Appellant’s proper requests to timely comply with the Constitution under the First Amendment. As such, ***Appellant hereby reserves and preserves all rights to supplement Appellant’s motion to enjoin until such time Appellant is granted remote access to judge-created laws created by Rhode Island judges.*** Since the Court acknowledges the problem and acknowledges proceeding is due process violative, Appellant concurrently filed separately a motion to stay pursuant to the Court’s Order dated March 29, 2024 relating to this matter – however, the structural defects raised in this motion must be enjoined and

remedied without delay nor could they be held in abeyance, which are categorically ripe for review by Article III, the United States Supreme Court. *Jarkesy, Lopes Bright Enterprise Inc., Fischer, and Trump* show the United States Supreme Court places paramount priority reigning in the excesses of the [criminal] abuses of the Administrative State of government agency actions, as It should, that this matter shows the Administrative State engages in criminal schemes to harm the public, defraud the public and undermine core tenets and the rule of law of our democracy.

**Officials' Violation of the Law Is Treated As More Severe That Is Herein Preserved For Article III Review**

9. Under 18 U.S.C. § 4, hinderance, concealment, suppression, affirmative neglect, or unjustified delay are “especially culpable for public officers, since they received a higher penalty for the crime than that received by ordinary citizens at common law.” Mullis, *supra*. at 1113. The public officers specifically named in the Federal misprision statutory text with a duty to act upon the receipt of information are “judge(s) and civil authorities.” The First Circuit federal appeals court equally applies the Federal misprision statute to state and local public officers, such as the Appellees and Mr. Coleman, and this Court’s justices in their ministerial capacities ministering, promulgating, administering, implementing the

afore-described structurally defective and constitutionally infirm forums targeting pro se litigants and concealing what the Appellees and the judges in Rhode Island are up to, by denying access to court information to the public and to Appellant regarding the judge-created laws concerning the Appellees' corrupt administration of Title IV program that involves routine falsification of federal support records zeroing out interest and otherwise alterations of the Title IV records to make false claims. ***United States v. Caraballo-Rodriguez***, 480 F.3d 62 (1st Cir. 2007). The First Circuit in *Caraballo* further noted that the Supreme Court also noted in ***Branzburg v. Hayes***, 408 U.S. 665, 696 n. 36, 92 S.Ct. 2646, 33 L.Ed.2d 626 (1972), that some lower courts had construed the statute to require both knowledge of a crime and an affirmative act of concealment or participation, but that both the Supreme Court and the First Circuit did not adopt that construction. Appellant preserves this issue as it relates to this matter concerning Appellee conduct, Mr. Coleman's conduct, and the Court's ministerial conduct, and the issue is ripe for Article III review by the United States Supreme Court. Moreover, the Plaintiff-Appellant raised the specter of Appellee Misprision of felony committed before this Court on July 31, 2024 evidenced by the Appellee's 12A Counter Statement and Objection to

Motion to Stay submitted by the Appellees through Mr. Coleman, an agency Deputy Chief Counsel, a public officer. The First Circuit in *Caraballo* (precedent) cited *United States v. Sessions*, Nos. 00-1756, 00-1791, 2000 WL 1456903 (8th Cir. Oct.2, 2000) (unpublished decision), holding that the misprision statute was satisfied where the individual "gave incomplete information regarding his knowledge of the [crime]," at least where he "gave the police partial information that was misleading." Id. at \*1, 2000 WL 1456903. If the statute is geared toward avoiding the misleading of authorities, *Ciambrone*, 750 F.2d at 1418, it is still possible, in concept and in fact, that even a truthful but partial disclosure could conceal by misleading the government through the withholding of key information, specifically in footnote 10 that "it is commonly accepted in other areas of law. The specific cases the First Circuit Court cited and relied on are all in the form of omitted facts in filings submitted to judges in a federal court of law in official federal proceedings that "may mislead." (Emphatically, it is obvious that the omission of key facts submitted in this Court which satisfies the misprision statute equally applies to the omission of key facts submitted in the federal appellate court). See the *Caraballo* Court cited cases, *United States v. Nelson-Rodriguez*, 319 F.3d 12, 33 (1st Cir.2003)

(recognizing that **omitted facts in a wiretap warrant affidavit may mislead**); *United States v. Reilly*, 76 F.3d 1271, 1280 (2d Cir.1996)

(commenting that a **"bare-bones description" submitted to judge may have been "calculated to mislead"**); *United States v. Stanert*, 762 F.2d

775, 781 (9th Cir.1985) (holding that **omitted facts in a warrant**

**affidavit may mislead**); *United States v. Previte*, 648 F.2d 73, 85 (1st

Cir.1981) (noting that trial court's use of slide transparencies to deliver

jury instructions "had some potential to mislead the jury, more by what

they omitted than by what they contained"). Therefore it is abundantly

plain that the First Circuit *Caraballo* Court applied the **misprision**

**statute** to court "filings submitted to a judge." The federal misprision

of felony statute is a carry-over of common law misprision of felony that

equally applies to Rhode Island state misprision of felony – accordingly

both apply as they relate to Title IV program administration and corrupt

ministering or aid and abet of corrupt administration of federal programs

by state persons. Accordingly, the Appellee Rule 12A Counter

Statement and Objection to motion to stay that were filed before this

very Court, that grossly and egregiously omitted key facts evidenced in

the previously Appellant-submitted state policy documenting the

falsification of federal computer records zeroing out the unlawful 12%

compound interest in order to conceal it for the felonious purpose of feloniously making false claims to the United States and to support-obligors, “may have been calculated to mislead” which the First Circuit held in ***United States v. Caraballo-Rodriguez***, 480 F.3d 62 (1st Cir. 2007) **satisfies the misprision of felony statute**, holding that the misprision statute was satisfied where the individual "gave incomplete information regarding his knowledge of the [crime]," at least where he "gave the partial information that was misleading" which the Plaintiff-Appellant plainly contends before this same Court was committed by the Appellees, and Plaintiff-Appellant now preserves this misprision of felony by the Appellees filings submitted to appellate Rhode Island supreme court judges omitting the substantial fact of falsification of federal computer records zeroing out the unlawful 12% compound interest for the purpose of making false claims “calculated to mislead” and “satisfies the misprision statute” for all applicable prosecution under misprision of felony by the Appellant, and all qualifying persons, and that it is ripe for review by Article III United States Supreme Court. The Court should note that the Plaintiff-Appellant applies for the \$250,000 per Appellee submission per count allowed under the misprision statute by law and should grant under the misprision law – there is no basis in

law or fact for NO consequence or no addressment or indifference or inaction or denying remedy by this Court under the misprision statute or at common law, as painstakingly detailed by the First Circuit in **United States v. Caraballo-Rodriguez**, 480 F.3d 62 (1st Cir. 2007).

10. Under **United States v. Caraballo-Rodriguez**, 480 F.3d 62 (1st Cir. 2007), immediate remedy and relief to the Appellant at the first opportunity further complies with 18 U.S.C. § 4 and Rhode Island's misprision of felony at common law and by the First Circuit Court's own addressment in *Caraballo*, is required at common law, having at length described as a forewarning the consequences of failure to act by public officers. This applies in equal force to this Court's ministerial acts implementing, ministering and enforcing structurally defective and constitutionally infirm lower courts in the administration of federal Title IV proceedings in the administration of federal programs, incorporating the Administrative Procedure Act.

## **CONCLUSION**

WHEREFORE, the Court should GRANT Appellant's motion to enjoin. The Court should commit its decision, remedy or lack thereof and reasoning in writing. The structurally defective and all issues raised herein are preserved and are ripe for the United States Supreme Court

review of the State's corrupt, unlawful, unconstitutional, and criminally obstructive administration of a federal program that implicates billions of federal funds falsely claimed by the State and billions of dollars falsely claimed by the State against support obligors since the 1996 Amendments to Title IV through the routine falsification of Title IV records zeroing out Rhode Island's 12% compound interest by the Appellees since 1996, such as the Appellant. The Court should GRANT Appellant's application for \$250,000 per Appellee concealment, obstruction and misprision of felony under common law by the Appellees. Appellant condemns the Appellees. Appellant preserves the issue of Appellee violation of, and the Court's ministering of Rule 5's violation of, and those persons knowingly ministering Rule 5, and denial of public, federal auditors and Appellant's right to remote access of court information and judge-created laws in violation of the following federal criminal codes (that are not exhaustive): 18 U.S.C. § 2, 18 U.S.C. § 3, 18 U.S.C. § 4, 18 U.S.C. § 1512, 18 U.S.C. § 1516, 18 U.S.C. § 666, 18 U.S.C. § 241. Appellant reserves and preserves all rights to supplement this motion upon being granted remote access to Rhode Island's judge-created laws in all its courts.

Respectfully submitted,

Mary Seguin

Pro Se

/s/ Mary Seguin

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Phone: (281)744-2016

P.O. Box 22022

Houston, TX 77019

Dated: August 1, 2024

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 1, 2024, I filed the within Motion with the Clerk of the Court via the Rhode Island Electronic filing system, and a copy to Attorney Michael Coleman, Esq., 25 Howard Bldg. 57, Cranston, RI 02920. A copy of the filing through the Court's EFS is available for downloading and viewing.

Respectfully submitted,

Mary Seguin

Pro Se

/s/ Mary Seguin

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Phone: (281)744-2016

P.O. Box 22022

Houston, TX 77019

Dated: August 1, 2024

## EXHIBIT I.

## Recorded Phone Call

### Recording Name:

[Recording of phone conversations among John Langlois, Debra DeStefano and Mary Seguin recorded in Texas by Mary Seguin on October 5 2022]

### Transcript Prepared By:



**DITTO**

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DUNS Number: 037801851  
CAGE Code: 6C7D5  
Tax ID #: 27-2983097

1 Seguin: 'Cause all -- like, if -- if we base the practice on  
2 how things are done of -- based on what Mr. Langlois,  
3 John, is representing today, everyone should be able  
4 to look at that screenshot, that screen, and be able  
5 to rely on it, correct?

6 DeStefano: Well, yeah, I --

7 Seguin: And its accuracy, correct?

8 DeStefano: -- I mean, the agen- --

9 Seguin: So --

10 DeStefano: The agency is going to have to prove it. Yes. The  
11 agency is going to have to submit -- and, again, it --  
12 it's difficult for me to know how relevant what you're  
13 asking for is 'cause I don't know what the agency's  
14 gonna submit yet, uh, to -- to support their position.  
15 So --

16 Langlois: And can I -- can I just say, the reason I asked  
17 earlier whether, uh, Mary had spoken to Carla after  
18 she made the \$104,000 payment was because there was a  
19 change in circumstances immediately after that and I  
20 don't know whether anyone in my agency has ever  
21 explained that to Mary.

22 Seguin: Wait -- wait -- wait a minute.

23 Langlois: (Inaudible - 00:01:10)

24 Seguin: Wait a minute.

25 Langlois: (Inaudible - 00:01:11)



1 Seguin: Wait -- wait -- wait -- wait a minute. Wait a minute.  
2 If there is --  
3 DeStefano: Wait a minute.  
4 Seguin: -- I'd like to get some documents of that. Okay? So  
5 -- so, again --  
6 DeStefano: Mary, what do you --  
7 Seguin: -- I've asked for, I think --  
8 DeStefano: Oh. Wait a minute --  
9 Seguin: I -- I'm so sorry. I'm --  
10 DeStefano: -- Mary. I know -- I know what you asked for. Let  
11 me get to -- let me understand what John just said  
12 before. So, John, you're saying there was a change  
13 subsequent to her making a payment --  
14 Langlois: Correct.  
15 DeStefano: -- but before the Notice of Lien went out?  
16 Langlois: Yes.  
17 DeStefano: Okay. So --  
18 Langlois: And can I -- can -- if I could just back up and  
19 explain what happened. Okay?  
20 DeStefano: Okay.  
21 Seguin: This --  
22 Langlois: This is -- 99 percent of this is a misunderstanding.  
23 DeStefano: Okay.  
24 Langlois: Okay?  
25 Seguin: Including --



1 Langlois: (Inaudible - 00:01:51)

2 Seguin: -- what's on the screenshot? Is that a  
3 misunderstanding?

4 Langlois: Can -- can I speak without being shouted over?

5 Seguin: Well, I'm --

6 DeStefano: Mary, let --

7 Seguin: I'm sh- --

8 DeStefano: Let --

9 Seguin: I'm flabbergasted really.

10 DeStefano: Uh, Mary, you've got to let me --

11 Seguin: Sorry.

12 DeStefano: -- listen --

13 Seguin: Sorry.

14 DeStefano: -- to what the agency is gonna --

15 Seguin: I appreciate that.

16 DeStefano: I mean, I know -- I only know that -- what's in  
17 front of me and I don't know everything that has  
18 happened in this case, but if -- if -- let me just  
19 listen to the agency and see what they have to say for  
20 --

21 Seguin: Sure.

22 DeStefano: Go ahead, John.

23 Langlois: What -- what happened in this case is when, uh --  
24 Mary's representative, her attorney, called us in late  
25 November 2021 and said there's a -- she wants her



1 passport released. What does she have to do to  
2 release her passport? They put her in touch with  
3 Carla, who gave her the \$104,000 number. Where that  
4 number came from, was the department attorney  
5 contacted the custodial parent, Mr. Miurski (ph) or,  
6 uh, Mr. -- I can't pronounce her last name.  
7 Meyersiek. So we contacted his attorney -- it wasn't  
8 me, but it was someone in my office -- and said, "If  
9 she's willing to make a \$104,000 payment to pay off  
10 the principal, would you agree to waive the \$75,000" -  
11 - I think it was \$73,000 in arrears at that time? He  
12 said yes. So Carla notified Mary that, if she paid  
13 \$104,000, it would be paid in full because he was  
14 willing to waive the interest. That was just the  
15 principal. What happened was, the day after Carla  
16 spoke to Mary and told her to mail in the -- or to --  
17 to wire the \$104,000, the attorney for Mr., um,  
18 Meyersiek contacted us again and said he changed his  
19 mind, please put the interest back up on the system,  
20 so we did. That's his money. The state is just  
21 collecting for -- for this past child support that's  
22 owed to him. If he wants the arrears, he has every  
23 right to ask for it. So the number that was given to  
24 her was correct on the day it was given to her. The  
25 arrears for \$104,000. Because when he was waiving the



1 arrears, wen he changed his mind the next day, we put  
2 the arrear -- I mean, interest back up on the system.

3 Seguin: I think --

4 Langlois: He was waiving the interest, and when that interest  
5 went back up on the system, that's why the system is  
6 now saying she owes \$73,000. That's why, in March,  
7 when the system saw that she had a, uh -- some kind of  
8 a personal injury settlement or some kind of an  
9 insurance settlement, we had -- we -- our system was  
10 showing that she owed \$73,000 in interest, so we  
11 issued the lien. But that's what happened, is when he  
12 changed his mind the next day, and that's what messed  
13 up the numbers. So that's how this all happened. It  
14 was a pure misunderstanding. I don't know whether  
15 anyone has ever explained that to Mary, how that  
16 happened.

17 DeStefano: Okay. Mary, did anybody ever explain that to you  
18 before?

19 Seguin: No. No one ever --

20 DeStefano: That the system has just -- just --

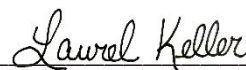
21 Seguin: -- explained any of that, and I --



TRANSCRIBER'S CERTIFICATE

I, Laurel Keller, do hereby certify that I have listened to the recording of the foregoing; further that the foregoing transcript, Pages 1 through 5, was reduced to typewritten form from a digital recording of the proceedings held October 5, 2022, in this matter; that Participant Mary Seguin has stated John Langlois and Debra DeStefano present were included in this recording; and that the foregoing is an accurate record of the proceedings as above transcribed in this matter on the date set forth.

DATED this 20th day of June, 2024.



Laurel Keller

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# State Child Support Agencies with Debt Compromise Policies

Listen

**Publication Date:** June 2, 2023 **Current as of:** June 2, 2023

OCSS found that at least 36 states and the District of Columbia have debt compromise options available to noncustodial parents. Although the approach varies from state to state, each has the same goal to encourage consistent payments and foster better family relationships.

Please check with the state in which you have your child support order for additional information. [See our map for contact information for each state.](#)

## Alabama

An interest rebate law allows for forgiveness of interest owed to the state and custodial parent (if the custodial parent agrees), in cases where current support is paid consistently for at least 12 months.

Source: [Code of Alabama §30-3-6.1](#)

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## Alaska

The state offers debt forgiveness for noncustodial parents who have accrued at least \$1,500 in state-owed child support arrears and meets other eligibility criteria. If the parent complies with the arrears forgiveness agreement, state-owed debt will be forgiven in stages over a 6-year period.

Source: [15 AAC 125.650](#)

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## Arizona

The Division of Child Support Services (DCSS) Settlement Program assists noncustodial parents who may have a large arrears balance on their child support case. It provides an opportunity to pay off past-due balances.

If you are limited in your ability to pay, you may offer to settle your arrears balance by paying either a lump sum or by making monthly installments that can be accepted for up to three months.

To participate in the program:

1. Think about how much you would like to offer to settle the past due amount.
2. Stop by a local DCSS office or contact the DCSS Customer Service Center at 602-252-4045 or 1-800-882-4151, or email the DCSS Settlement Team at [dcsssettlement@azdes.gov](mailto:dcsssettlement@azdes.gov) to submit your settlement offer.

Note: The state's role is not to advocate the amount of the settlement, but to facilitate whatever offer is appropriate for the state and the parties involved in the case. The DCSS cannot require a custodial parent to accept a settlement offer.

Source: [Arizona Parents who Pay Child Support](#) 

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## Arkansas

Does not have a program.

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## California

The California Department of Child Support Services' Debt Reduction Program aims to increase support collected for families and resolve uncollectable debt that is owed to the state of California. The Debt Reduction Program allows for the acceptance of a partial-pay offer in exchange for compromising the remainder of permanently assigned arrears owed by a participant.

Source: [Child Support Reduction Program](#) 

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## Colorado

County child support offices have the ability to offer arrears compromise for assigned child support arrears. It is up to the counties to determine if they want to implement an arrears compromise program

and, if so, what criteria they wish to use.

Source: State

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## Connecticut

Connecticut has implemented two arrears programs. The first one, the Arrears Adjustment Program, is designed to reduce state-owed debt as well as encourage the positive involvement of NCPs in the lives of their children and to pay current support. The second program, the Arrears Liquidation Program, is designed to liquidate state-owed arrears by allowing obligors to pay off arrears in a lump-sum payment at a discounted rate.

Source: [Regulations of Connecticut State Agencies §17b-179b-1 to §17b-179b-4](#) 

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## Delaware

Does not have a program.

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## District of Columbia

The Fresh Start program allows for a portion of Temporary Assistance for Needy Families (TANF) arrears to be forgiven in return for successfully making consecutive timely payments on the current support obligation or making a lump sum payment towards arrears. The Child Support Services Division must invite noncustodial parents to participate in the program.

Qualifications are:

- At least \$1,000 owed in TANF arrears
- No voluntary payment in at least 12 months
- Previous unsuccessful enforcement efforts
- Valid addresses for both parties
- Failure to pay support must not be due to bad faith
- Responding interstate cases are not eligible for the program

Source: [District of Columbia Fresh Start Program](#) 

## Florida

Does not have a program.

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## Georgia

A state statute gives the child support program the authority to waive, reduce, or negotiate the payment of state-owed arrears for administrative child support orders if it is determined that there is good cause for nonpayment or that enforcement would result in substantial and unreasonable hardship to the parent or parents responsible for the support. Courts have discretion in applying or waiving past-due interest owed on arrears.

Source: O.C.G.A. § 19-11-5, § 7-4-12.1; Ga. Comp. R. & Regs. r. 290-7-1-.20

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## Hawaii

Does not have a program.

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## Idaho

Does not have a program.

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## Illinois

Project Clean Slate provides opportunities for low-income noncustodial parents to apply for forgiveness of assigned arrears in exchange for making regular, ordered payments of current support to the custodial parent for six months. The noncustodial parent must have demonstrated that they were unable to pay the assigned support at the time it was owed due to unemployment, incarceration, or serious illness. The noncustodial parent must also meet low-income standards.

Source: **Clean Slate Program** [↗](#) ; Illinois Public Aid Code §5/10-17.12; 89 Illinois Administrative Code Section 160.64.

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## Indiana

Does not have a program.

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## Iowa

The Promoting Opportunities for Parents Program assists parents in overcoming the barriers which interfere with fulfilling their obligations to their children. In order to encourage parent participation, Iowa's Child Support Recovery Unit may partner with community providers and resources and offer incentives. The incentives include satisfactions of arrears due to the state for payment of court-ordered child support.

Source: **Iowa CSRU Customer Handbook** [↗](#)

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## Kansas

The updated incentive program returned January 1, 2021, with an effective date of September 1, 2020. The focus of the updated incentive program is to work with payors to achieve stable employment. The primary incentive remains: a reduction of state-owed arrears only, with a lifetime maximum of \$2500 and an additional incentive of \$1000 for those payors who complete their GED or high school diploma. So, the lifetime maximum for those who obtain a GED is \$3500.

There are three different categories in the incentives:

- 1) Career enhancement: Enables a payor to progress in their career, \$2000 cap (HVAC certificate, barbershop or cosmetology license, forklift driver certificate, etc.)
- 2) Education: \$1000 cap (GED or high school equivalent)
- 3) Personal enhancement: \$500 cap (fatherhood or parenting class, finance class, addiction class, etc.)

The incentives are capped by their category. For example, the completion of an addiction class and a financial class will only result in one \$500 incentive. Completion of both the HVAC and Welding certificate programs will only result in one \$2000 incentive. In addition, if a payor has already received the maximum amount under prior versions of the incentive program, they will not receive additional incentives. If, however, a payor only received \$500 previously, they could be eligible for additional incentives under this program.

Beginning January 1, 2021, all incentives program requests with their appropriate documentation (certificates of completion, attendance logs, etc.) must be sent to [DCF.CSSIncentives@ks.gov](mailto:DCF.CSSIncentives@ks.gov) for consideration and approval of credit.

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## Kentucky

Does not have a program.

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## Louisiana

Does not have a program.

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## Maine

Does not have a formal program. The state considers debt forgiveness on a case-by-case basis only for assigned arrears. Factors considered are:

- Ability to pay (present and future)
- Partial or continuing payments for current or partial debt
- Reduction in state owed arrears
- Potential case closure

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## Maryland

The Payment Incentive Program encourages the noncustodial parent to make consistent child support payments by:

- Reducing state-owed arrears by half if the noncustodial parent makes full child support payments for a year.
- Eliminating the balance owed if the noncustodial parent makes full child support payments for two years.

The noncustodial parent will receive credit for uninterrupted court-ordered payments made immediately prior to participation in the program. Consideration will be given for periods of unemployment due to

seasonal work and no-fault termination.

Source: [Maryland Payment Incentive Program](#) 

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## Massachusetts

Massachusetts child support regulations allow for the settlement of interest, penalties, and arrears, as well as equitable adjustment of arrears. The Child Support Commissioner may waive all or a portion of the interest and penalties owed to the Commonwealth if the Commissioner determines such waiver is in the best interest of the Commonwealth and will maximize collection of current and past-due child support.

The Commissioner may also accept an offer in settlement that is less than the full amount of state-owed arrears, where there is serious doubt as to liability or collectability of such arrearages. The Commissioner may also equitably adjust the amount of child support arrearages owed to the Commonwealth when the obligor has no present or future ability to pay the full arrearages.

Source: [830 CMR 119.A.6.2](#) 

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## Michigan

Several laws allow for adjustment of arrears and interest.

- In some cases, the Department of Human Services or its designee may use discretion to settle and compromise state-owed arrears (MCL 205.13).
- Other laws allow noncustodial parents who do not have the ability to pay the arrearage in full, presently, or in the near future to request a payment plan (for a minimum of 24 months). At the completion of the payment plan, the court may waive any remaining arrears owed to the state (MCL 552.605e).
- Additionally, noncustodial parents may request a payment plan as a means to have the surcharge (interest) waived or reduced if regular payments are made (MCL 552.603d).

Source: [MCL 205.13](#)  , [MCL 552.605e](#)  , [MCL 552.603d](#) 

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## Minnesota

State statute gives the parties (including the public authority with assigned arrears) the authority to compromise unpaid support debts or arrearages owed by one party to another, whether or not docketed as a judgment.

Source: **Minn. Stat. §518A.62** [↗](#)

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## Mississippi

Does not have a program.

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## Missouri

Does not have a program.

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## Montana

Does not have a program.

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## Nebraska

Does not have a program.

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## Nevada

Nevada will only consider arrears-only cases where there is no money owed to the custodian. The noncustodial parent must apply and provide supporting documents. Each application is reviewed, and a recommendation is provided to the Administrator of the Division of Welfare and Support Services who has authority to forgive state debt.

Source: State

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## New Hampshire

The New Hampshire Division of Child Support Services does not have a formal debt compromise policy. Child support workers do have some discretion to negotiate agreements to secure current support that may include forgiveness of assistance debt owed to the state that accrued prior to the establishment of a child support order and which was based on imputed income. Any such agreement must be approved by the child support worker's supervisor. Check with the state for more information.

Source: State

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## New Jersey

Occasionally, the New Jersey Child Support Program will offer a time-limited match on payments made towards the child support case and credit the same amount towards the arrears balance owed to the state. The program is announced yearly and is based on availability of funds.

Source: [New Jersey Arrears Match Program](#) 

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## New Mexico

New Mexico's Child Support Arrears Management Program, *Fresh Start*, supports the needs of today's modern family by reviewing cases to focus on right-sized court orders, resulting in more payments and less debt. This program may provide an option for the noncustodial parent to reduce the amount of assigned arrears by providing a lumpsum payment or consistent monthly payments to the custodial parent. To be eligible, the noncustodial parent must have over \$1,000 of state-owed arrears and meet other additional criteria outlined on the [Fresh Start Arrears Management Program](#) .

Source: State

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## New York

New York State offers several debt compromise programs to noncustodial parents who owe the state. The program varies depending on the local district. Interested persons must confirm with the local district where their order was issued if the service is available.

- Arrears Cap: a limit on the amount of child support debt owed to the government.

- Arrears Credit Program: open to noncustodial parents who owe Department of Social Services child support arrears and do not have more than \$3,000 in the bank or more than \$5,000 in property.
- Parent Success Program: designed to help noncustodial parents by supporting their well-being and strengthening their ability to provide for their children by completing a substance-use treatment program.
- Pay It Off: a time-limited program that enables noncustodial parents to pay off NYC DSS child support debt twice as fast. See the website for more information about each program.

Source: [New York Debt Reduction](#) 

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## North Carolina

To be eligible the obligor must:

- Owe a minimum of \$15,000 in state-owed arrears
- Agree to make 24 consecutive monthly payments for current support and an amount toward arrears
- Comply with the agreement.

Source: [NC General Statute, Chapter 110, Section 135 \(§ 110-135\)](#)  (PDF)

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## North Dakota

North Dakota has three goals for its debt compromise program:

1. Motivate obligors to comply with long-term payment plan
2. Eliminate uncollectible debt
3. Facilitate case closure where appropriate

Compromise of assigned arrears is permitted if an offer is received for at least 95% of the outstanding arrears balance (after subtracting all negotiable interest) or 90% with IV-D Director approval.

Interest may be compromised when an obligor enters into a payment plan to avoid license suspension or other enforcement remedies or when an obligor has been making payments on a regular basis.

In both cases, interest is not charged while regular payments are made and, after one year of regular payments, any unpaid interest that had accrued before that date can be compromised.

Interest can also be considered uncollectible under certain circumstances. Some situations are pre-approved, such as an obligor is receiving Supplemental Security Income. In these cases, a worker may prevent interest from accruing on the case and can request an adjustment to the payment record for any unpaid interest that has already accrued.

In situations that are not pre-approved, the worker cannot suspend interest or have it waived as uncollectible without IV-D Director approval.

Source: State

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## Ohio

Permanently assigned arrears can be reduced if/ when the obligor satisfies all the terms and conditions of a waiver, installment plan compromise, lump sum compromise, or a family support program.

Source: [Ohio Administrative Code: Rule 5101:12-60-70](#) 

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## Oklahoma

The state permits a waiver of some or all child support arrears with court approval, provided the parents mutually agree (or the state agrees when the debt is owed to the state).

Settlements of past support may include an agreement that the noncustodial parent make a lump-sum partial payment or a series of payments toward the total amount of past support.

Settlements also may include an agreement for the noncustodial parent to pay a specified number of current child support payments or in-kind payments in the future.

In addition, the state has established an amnesty program for accrued interest owed to the state. The state attorney in the local district must approve all settlements of state-owed interest.

Source: [43 O.S. §112 Oklahoma Administrative Code 340:25-5-140 56 O.S. §234](#) 

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## Oregon

The Oregon Child Support Program/ Division of Child Support does not have a formal program, but forgiveness is used in appropriate situations. The program considers the family's best interest and may

satisfy all or any portion of child support arrears that are assigned to the State of Oregon or to any other jurisdiction if:

- The arrears are a substantial hardship to the paying parent
- A compromise will result in greater collections on the case; or
- The paying parent enters into an agreement with the program to enhance the parent's ability to pay or their relationship with the children for whom the parent owes arrears.

Source: [OAR Rule 137-055-6120](#) 

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## Pennsylvania

Per Pennsylvania Supreme Court Rule, any compromise of state-owed debt must be approved by the court.

Source: State

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## Rhode Island

The Office of Child Support Services has the discretion to compromise state-owed arrears.

Source: State

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## South Carolina

Does not have a program.

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## South Dakota

South Dakota Division of Child Support (DCS) does not have a formal debt compromise policy.

Child support workers do have some discretion to negotiate a lump sum settlement of 75% of state-owed arrears. If the parents agree to a lump sum settlement for arrears owed to the family, DCS has a forgiveness

of arrears form, which the parties can sign. The form is submitted to the court for approval. If the court approves the settlement, DCS will remove the arrears from the case.

Source: State

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## Tennessee

With the approval of the court, the parties have the right to compromise and settle child support arrears owed directly to the person owed support (family-owned arrears). State-owned debt cannot be forgiven.

Source: [Public Chapter 200, amending Tennessee Code Annotated, Section 36-5-101\(f\)](#)  (PDF)

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## Texas

The child support agency may establish and administer a payment incentive program to promote payment by noncustodial parents who are delinquent in satisfying child support arrearages assigned to the child support agency under Section 231.104(a).

The program must provide to a participating noncustodial parent a credit for every dollar amount paid on interest and arrearage balances during each month of the NCP's voluntary enrollment in the program.

Source: [Texas Family Code 231.124](#) 

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## Utah

The Prisoner Forgiveness Program targets recently released prisoners and forgives state-owned arrears for those who are approved for the program and pay 12 consecutive months of current support plus a nominal amount toward arrears.

Utah also targets obligors in treatment programs and forgives state-owned arrears for those who are approved for the program and pay 12 consecutive months of current support and/or arrears.

Source: UT Admin. Code Rule R527-258

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## Vermont

The court may limit the child support debt, taking into consideration the criteria of 15 V.S.A. § 659.

Source: [33 VSA §3903](#) 

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## Virginia

The Division of Child Support Enforcement's Temporary Assistance for Needy Families (TANF) Debt Compromise Program is available to parents who owe TANF debt under a Virginia court or administrative order.

The program is designed to encourage consistent child support payments by offering eligible parents a debt reduction in TANF debt. There are three tiers of participation based on your ability to pay. For more information on how much you may be eligible to save, call 800-468-8894 or visit your local district office.

Source: [State Child Support TANF Debt](#) 

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## Washington

The Child Support Department may accept offers of compromise of disputed claims and may grant partial or total charge-off of support arrears owed to the state.

The state established an administrative dispute resolution process through its Child Support Conference Boards to hear parents' request to reduce the amount of arrears and make determinations based on the individual circumstances.

Source: [Rev. Code of Washington 74.20A.220](#)  , [Washington Admin. Code 388-14A-6400 through 388-14A-6415](#) 

[Washington Child Support Conference Boards](#)  (PDF)

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## West Virginia

This program allows forgiveness of interest for obligors who pay off all arrears within 5 years/60 months. This is a voluntary program and requires all parties to voluntarily agree to forgive the interest.

Source: [West Virginia Code §48-1-302 \(c\)](#) 

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## **Wisconsin**

Local child support agencies may forgive all or part of the state-owed arrears under a variety of circumstances, including when the obligor is unable to pay the arrearage based on income, earning capacity, and assets, or the obligor has a long-term disability.

Source: Child Support Bulletin # CSB 20-06

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## **Wyoming**

Does not have a program.

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## **Puerto Rico**

Does not have a program.

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## **Virgin Islands**

Does not have a program.

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## **American Samoa**

Does not have a program.

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## **Commonwealth of the Northern Mariana Islands**

Does not have a program.

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## **Guam**

Does not have a program.

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## Federated States of Micronesia

Does not have a program.

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## Republic of the Marshall Islands

Does not have a program.

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## Republic of Palau

Does not have a program.

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### Types:

[Outreach Material](#)

### Audiences:

[Parents](#) , [States](#)

# United States Court of Appeals For the First Circuit

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No. 23-1967

MARY SEGUIN,

Plaintiff - Appellant,

v.

RHODE ISLAND DEPARTMENT OF HUMAN SERVICES, in its official capacity; RHODE ISLAND OFFICE OF CHILD SUPPORT SERVICES, in its official capacity; GERO MEYERSIEK, in his individual and official capacity; PRISCILLA GLUCKSMAN; JOHN A. LANGLOIS; PAUL GOULD; MICHAEL D. COLEMAN, in his individual and official capacity; DEBORAH A. BARCLAY, in her individual and official capacity; LISA PINSONNEAULT, in her individual and official capacity; CARL BEAUREGARD, in his individual and official capacity; KEVIN TIGHE; MONIQUE BONIN; FRANK DIBIASE; WENDY FOBERT; KARLA CABALLEROS; TIMOTHY FLYNN; RHODE ISLAND COURT SYSTEM; MARISA BROWN; PAUL A. SUTTELL, in his individual and official capacity as Executive Head of Rhode Island State Court System; RHODE ISLAND ADMINISTRATIVE OFFICE OF STATE COURTS; RHODE ISLAND ADMINISTRATIVE OFFICE OF THE SUPERIOR COURT; RHODE ISLAND JUDICIAL COUNCIL; RHODE ISLAND SUPERIOR COURT; RHODE ISLAND SUPERIOR COURT JUDICIAL COUNCIL; THE JUDICIAL TECHNOLOGY CENTER; JULIE HAMIL; JOHN JOSEPH BAXTER, JR.; JUSTIN CORREA; RHODE ISLAND OFFICE OF THE ATTORNEY GENERAL; RHODE ISLAND OFFICE OF THE ATTORNEY GENERAL OPEN GOVERNMENT UNIT; ADAM D. ROACH; PETER F. NERONHA; TYLER TECHNOLOGIES, INC.,

Defendants - Appellees.

Nos. 23-1978  
24-1313

MARY SEGUIN,

Plaintiff - Appellant,

v.

RHODE ISLAND DEPARTMENT OF HUMAN SERVICES, in its official capacity; RHODE ISLAND OFFICE OF CHILD SUPPORT SERVICES, in its official capacity; GERO MEYERSIEK, in his individual and official capacity,

Defendants - Appellees,

MICHAEL D. COLEMAN, in his individual and official capacity; DEBORAH A. BARCLAY, in her individual and official capacity; LISA PINSONEAULT, in her individual and official capacity; CARL BEAUREGARD, in his individual and official capacity; KEVIN TIGHE; MONIQUE BONIN; WENDY A. FOBERT; KARLA CABALLEROS; TIMOTHY FLYNN; RHODE ISLAND COURT SYSTEM; PAUL A. SUTTELL, in his individual and official capacity as Executive Head of Rhode Island State Court System; RHODE ISLAND ADMINISTRATIVE OFFICE OF STATE COURTS; RHODE ISLAND ADMINISTRATIVE OFFICE OF THE SUPERIOR COURT; RHODE ISLAND JUDICIAL COUNCIL; RI SUPERIOR COURT; RHODE ISLAND SUPERIOR COURT JUDICIAL COUNCIL; THE JUDICIAL TECHNOLOGY CENTER; JULIE PATALANO HAMIL; FRANK DIBIASE; MARISA P. BROWN; JOHN JOSEPH BAXTER, JR.; JUSTIN CORREA; RHODE ISLAND ATTORNEY GENERAL'S OFFICE; RHODE ISLAND OFFICE OF THE ATTORNEY GENERAL OPEN GOVERNMENT UNIT; ADAM D. ROACH; PETER F. NERONHA; TYLER TECHNOLOGIES, INC.,

Defendants.

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**ORDER OF COURT**

Entered: May 24, 2024

Plaintiff-Appellant Mary Seguin has filed three related appeals from rulings made in a single district court case concerning child-support matters. Seguin named as defendants various Rhode Island agencies, officials and employees, (collectively, "the State Defendants-Appellees"), as well as an individual by the name of Gero Meyersiek.

The court has considered Seguin's response to the order to show cause entered in Appeal No. 23-1978. That appeal shall proceed, with all jurisdictional and other issues reserved to the ultimate merits panel. Further, the three above-captioned appeals are consolidated for purposes of briefing and disposition. A consolidated briefing schedule will enter in the ordinary course. The ultimate merits panel will decide the proper scope of the appeals and will consider to an appropriate extent each argument developed in briefing.

Numerous motions currently are pending in the appeals. As an initial matter, this court resolves appeals through the briefing process and generally does not engage in piecemeal adjudication of individual issues by way of motion practice. Going forward, the parties should focus on briefing and are strongly discouraged from filing further motions, especially motions addressing the merits of the district court's rulings and procedural handling of the underlying matter.

Many of Seguin's motions concern the merits of the district court's rulings in the underlying matter and/or offer materials and arguments not placed before the district court. Those motions are denied, though Seguin is free to address relevant matters during briefing, and this denial is without prejudice to the pursuit of any specific argument during briefing. Again, the ultimate merits panel

will decide this appeal based on the parties' briefs and will consider those matters properly encompassed by the appeals. In light of the foregoing, any requests for the court to strike filings by Seguin are denied.

Seguin's sanctions motions are all denied, as Seguin has failed to identify legitimately sanctionable conduct, and Seguin is strongly discouraged from filing further such baseless motions.

Any pending motions or requests not specifically addressed above are denied. Again, a consolidated briefing schedule will enter, and the parties are strongly encouraged to focus their attentions on briefing, not further motion practice.

By the Court:

Maria R. Hamilton, Clerk

cc:

Mary Seguin  
Marissa D. Pizana  
Joanna M. Achille  
Peter F. Neronha

No. 23-1978

IN THE  
UNITED STATES COURT OF APPEALS  
FOR THE FIRST CIRCUIT  
UNITED STATES OF AMERICA,

Plaintiff-Appellant,

MARY SEGUIN

v.

RHODE ISLAND DEPARTMENT OF HUMAN SERVICES in its official capacity; MICHAEL D. COLEMAN, DEBORAH A. BARCLAY in their individual and official capacities; Rhode Island OFFICE OF Child Support Services in its official capacity; KEVIN TIGHE, MONIQUE BONIN, FRANK DIBIASE, WENDY FOBERT, KARLA CABALLEROS, TIMOTHY FLYNN, LISA PINSONNEAULT, CARL BEAUREGARD, PRISCILLA GLUCKSMAN, JOHN LANGLOIS, PAUL GOULD, in their individual and official capacities; RHODE ISLAND STATE COURT SYSTEM in its official capacity; PAUL A. SUTTELL in his individual and official capacity as EXECUTIVE HEAD OF RHODE ISLAND STATE COURT SYSTEM; RHODE ISLAND ADMINISTRATIVE OFFICE OF STATE COURTS in its official capacity; RHODE ISLAND ADMINISTRATIVE OFFICE OF THE SUPERIOR COURT in its official capacity; RHODE ISLAND JUDICIAL COUNCIL in its official capacity; RHODE ISLAND SUPERIOR COURT in its official capacity; RHODE ISLAND SUPERIOR COURT JUDICIAL COUNCIL in its official capacity; THE JUDICIAL TECHNOLOGY CENTER in its official capacity; JULIE HAMIL, MARISA BROWN, JOHN JOSEPH BAXTER, JR., JUSTIN CORREA in their individual and official capacities; RHODE ISLAND OFFICE OF THE ATTORNEY GENERAL in its official capacity; RHODE ISLAND OFFICE OF THE ATTORNEY GENERAL OPEN GOVERNMENT UNIT in its official capacity; ADAM D. ROACH, PETER NERONHA in their official and individual capacities; TYLER TECHNOLOGIES, INC.; GERO MEYERSIEK

Defendants-Appellees.

Appeal from the United States District Court for the District of Rhode Island

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**APPELLANT’S SHOW CAUSE IN SUPPORT OF APPELLANT’S  
MOTION TO CONSOLIDATE**

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In response to the Court’s Order Extending Time to April 1, 2024 for Appellant to show cause, including in support of Appellant’s Motion to Consolidate, Appellant respectfully states the **November 20, 2023 Notice of Appeal (ECF 38)** filed by the Appellant in this matter appeals the district court’s November 20, 2023 Text Order, and as such the appeal is a **direct attack** on the district court’s **void** order issued on November 20, 2023 when the district court became ***functus officio***, yet plainly and explicitly **modified** *without authority* the district court’s November 17, 2023 **two denials** denying the Plaintiff-Appellant post-judgment motions.

This appeal is a direct attack on the district court’s November 20, 2023 void order.

As such all subsequent void orders or “corrections arising from omissions” resulting from, stemming from, caused by, effected by, linked to, or corollary to the district court’s November 20, 2023 void order are subject to appellate review in this matter, including the February 1, 2024 district court denial, another void order.

The Notice of Appeal in this matter dated November 20, 2024 appeals the **void** district court November 20, 2023 Text order issued *three days after* the Notice of Appeal of the Final Judgement was filed (or perfected) on November 17, 2023. See, ECF 32, 32-1, 33, 33-1.

Pursuant to *Griggs v. Provident Consumer Discount Company*, 459 U.S. 56 (1982) the district court on November 20, 2023 was divested of jurisdiction to modify its judgment or *take other action affecting the cause without permission from the court of appeals*.

Appellant states, in support of the Show Cause, that a straightforward timeline and content examination of the November 17, 2023 docketed Notice of Appeal of the Final Judgment (ECF 32, 32-1) and the docketed district court clerk's certification of the appeal record (ECF 33, 33-1), all dated November 17, 2023, emphatically shows the district court was divested of jurisdiction as of November 17, 2023.

As such, the district court's November 20, 2023 and February 1, 2024 court orders in this matter are null and void, pursuant to *Griggs v. Provident Consumer Discount Company*, 459 U.S. 56 (1982).

The Appellant avers the follows in support of consolidation:

**I. The November 17, 2023 district court certified record on appeal, ECF 33 and ECF 33-1, shows on November 17, 2023, no pending motions were docketed.**

1. Emphatically, the November 17, 2023 district court certified record on appeal, ECF 33 and ECF 33-1 shows on November 17, 2023, no motions were docketed, **proving there were no pending motions** filed prior to the Notice of Appeal of the Final Judgment.
2. Emphatically, the November 17, 2023 district court certified record on appeal, ECF 33 and ECF 33-1, shows only two entries for November 17, 2023: the two text orders dated November 17, 2023.

By way of visual illustration in support of this Show Cause, Appellant attaches herewith a screenshot of ECF 33-1, of page 9 of 92:

		(D.R.I.), it is further ORDERED that the Courts March 30, 2023, Text Order granting Plaintiff Leave to Proceed as a Pro Se Electronic Filer is VACATED. Plaintiff's Electronic Filer privileges are revoked. <u>See</u> LR Gen 302(b). So Ordered by District Judge William E. Smith on 10/19/2023. (Simoncelli, Michael) (Entered: 10/19/2023)
10/19/2023	<u>31</u>	JUDGMENT. So Ordered by Clerk of Court on 10/19/2023. (Simoncelli, Michael) (Entered: 10/19/2023)
11/17/2023		TEXT ORDER: The Court is in receipt of Plaintiff's two recent emails to the Clerk's Office. The Court construes these emails as motions for leave to file the motions attached to those emails and denies leave to file for the reasons given in its earlier text orders. So Ordered by District Judge William E. Smith on 11/17/2023. (Urizandi, Nissheneyra) Modified on 11/17/2023 to correct a typo. (Urizandi, Nissheneyra). (Entered: 11/17/2023)
11/17/2023		TEXT ORDER: The Court is in receipt of Plaintiff's email to the Clerk's Office this afternoon. As with its order issued earlier today, the Court construes this email as a motion for leave to file the motion attached to the email and denies leave to file for the reasons given in its earlier text orders. So Ordered by District Judge William E. Smith on 11/17/2023. (Urizandi, Nissheneyra) (Entered: 11/17/2023)
11/17/2023	<u>32</u>	NOTICE OF APPEAL by Mary Seguin as to Text Order, Text Order,  <b>NOTICE TO COUNSEL: Counsel should register for a First Circuit CM/ECF Appellate Filer Account at <a href="http://pacer.psc.uscourts.gov/cmecf/">http://pacer.psc.uscourts.gov/cmecf/</a>. Counsel should also review the First Circuit requirements for electronic filing by visiting the CM/ECF Information section at <a href="http://www.ca1.uscourts.gov/cmecf">http://www.ca1.uscourts.gov/cmecf</a> Appeal Record due by 11/24/2023. (Attachments: # <u>1</u> Envelope)(Kenny, Meghan) (Entered: 11/17/2023)</b>

3. Moreover, the Court is requested to Judicially Notice pursuant to **Fed. R. Evid. 201** that the docket entry for ECF 32 on November 17, 2023 states unequivocally, “**NOTICE OF APPEAL by Mary Seguin as to Text Order, Text Order**” making it explicitly clear that the only two docket entries of November 17, 2023, “Text Order and Text Order,” are the district court’s denials of Appellant’s first November 16, 2023 post-judgment Rule 59 motions and then the one November 17, 2023 post-judgment Rule 60(b)(1) motion which the docket entry for ECF 32 makes clear

that Appellant’s Notice of Appeal of the Final Judgment filed on November 17, 2023 (ECF 32, 32-1) **explicitly appeals “as to TEXT ORDER, TEXT ORDER” in addition to the Final Judgment.** Therefore, all post-judgment motion filings actually filed by the Appellant were disposed by the two post-judgment denial Text Orders on November 17, 2023, prior to the filing of the Notice of Appeal (ECF 32). Attached herewith for show cause purposes are the aforementioned electronic court filing entry documents:

**Exhibit I.** ECF 32, ECF 32-1

**Exhibit II.** ECF 33, 33-1

Therefore, the examination of ECF 32, 32-1, 33 and ECF 33-1 evidences that are attached to Exhibits A and B shows the ***functus officio*** district court was ***divested of jurisdiction*** upon the filing of the November 17, 2023 Notice of Appeal **appealing** the **Final Judgment** ***and*** the **two text orders issued on November 17, 2023** “as to Text Order, Text Order.”

**II. The District Court is DIVESTED of JURISDICTION *Griggs v. Provident Consumer Discount Company*, 459 U.S. 56 (1982) and**

**the November 20, 2023 Notice of Appeal in this matter appeals the Void November 20, 2023**

As a general rule, an appeal **divests** the district court of power to modify its judgment or take other action affecting the cause without permission from the court of appeals *Griggs v. Provident Consumer Discount Company*, 459 U.S. 56 (1982). See also *Hamer v. Neighborhood Housing Services of Chicago*, 583 U.S. \_\_\_\_ (2017). The appeal filed on November 17, 2023 is from a Final Judgment. Once a district court enters final judgment and once the district court denies post-judgment motions, the final judgment and district court's denials of post-judgment motions become subject to appellate review. See *Commonwealth School, Inc. v. Commonwealth Academy Holdings LLC*, 2021 WL 1398268 (1st Cir. Apr. 14, 2021). See also *John's Insulation, Inc. v. L. Addison and Assocs.*, 156 F.3d 101, 105 (1st Cir. 1998).

Here, the two text orders docketed on November 17, 2023 are clearly denials of the only post-judgment motions the Appellant filed on November 16, 2023 and November 17, 2023 – as such the two November 17, 2023 text orders disposed and denied Appellant's post-judgment motions on November 17, 2023. Subsequent to the district court's November 17, 2023 denials of post-judgment motions, in the

late afternoon of November 17, 2023, Appellant filed the Notice of Appeal (ECF 32, 32-1) appealing:

- (1) the Final Judgment,
- (2) the district court's two denials of post-judgment motions text orders of November 17, 2023, and
- (3) the obstruction by Judge William Smith of the docketing by the clerk of Appellant's post-judgment motions between November 16<sup>th</sup> and 17<sup>th</sup> of 2023.

Therefore, **the filing of the Notice of Appeal (ECF-32) meant the final judgment and district court's denials of post-judgment motions dated November 17, 2023 become subject to appellate review.**

Therefore, here, the general rule that an appeal **divests** the district court of power to modify its judgment or take other action affecting the cause without permission from the court of appeals, applies; *see, Griggs v. Provident Consumer Discount Company*, 459 U.S. 56 (1982).

The district court became ***functus officio*** and the district court ***functus officio*** judge William Smith, *no longer holding office or having official authority*, as he, nor the ***functus officio*** district court *no longer had the*

*power to modify the two text orders judge Smith made on November 17, 2023.*

As such, on **November 20, 2023**, the **functus officio** district court, **divested of jurisdiction**, *no longer had the authority* to order **modifications to the two text orders** judge Smith made on November 17, 2023.

Accordingly, the district court's **November 20, 2023 Text Order** that plainly **modified** his November 17, 2023 **two** denials for leave to file, are **VOID**.

Accordingly, the November 20, 2023 Notice of Appeal in this matter filed by the Appellant appeals the **void** November 20, 2023 Text Order.

Having established that the appeal in this matter appeals the district court's **void** November 20, 2023 Text Order, the Appellant respectfully requests Judicial Notice under Fed. R. Evid. 201 the 77-page Notice of Appeal (ECF-32).

**A. Notice of Appeal (ECF 32) appeals the district court's**  
**“interference with appeal”**

Appellant attaches herewith a screenshot of page 4 of the Notice of Appeal, and under Fed. R. Evid. 201, requests Judicial Notice of numbered paragraph 3 to 5:

2. Plaintiff respectfully requests the U.S. Court of Appeals for the First Circuit to review Plaintiff's timely filed Rule 59 Motion and Rule 60 Motion that were filed in the U.S. District Court of the District of Rhode Island on November 16, 2023 as proper part of the record of appeal. Prior to filing this Notice of Appeal, Plaintiff also filed a Rule 60(b)(1) Motion regarding the District Court's interference with Plaintiff's right to file Rule 59 and Rule 60 post judgement in which Plaintiff sought to preserve issues for appeal on the record. Plaintiff attaches all relevant documentation, including all relevant emails to the Clerk of the Court of the District Court and Plaintiff's properly filed post judgment motions pursuant to Rule 59 and Rule 60 herein to this Notice of Appeal and Docket Statement.
3. Plaintiff's Rule 59 Motion was filed on November 16, 2023, which the District Court of Rhode Island refused to docket on the record, pursuant to instructions by Judge Smith.
4. Plaintiff's first Rule 60 Motion was filed on November 16, 2023, which the District Court of Rhode Island refused to docket on the record, pursuant to instructions by Judge Smith.
5. Plaintiff attaches the aforesaid post judgment Motions and requests appellate review under these extraordinary and troubling factual circumstances that violate and obstruct the fundamental First Amendment right of access to the Court of Record, due process and obstruction to justice in the First Circuit, and *inter alia*, interference with the accuracy of the court's record for appeal in this matter.

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The Notice of Appeal requests appellate review of the refusal by the United States District Court for the District of Rhode Island's **refusal to docket on the record** Plaintiff-Appellant's 28-day post-judgment motions filed on November 16, 2023 and the third post-judgment motion

filed on November 17, 2023, “**pursuant to instructions by Judge Smith.**”

In enumerated paragraph 5, the Plaintiff plainly appeals, “Plaintiff attaches the aforesaid post judgment Motions and requests appellate review under these extraordinary and troubling factual circumstances that violate and obstruct the fundamental First Amendment right of access to the Court of Record, due process and obstruction to justice in the First Circuit, and inter alia, **interference with the accuracy of the court’s record for appeal in this matter.**”

Therefore, the “interference with the accuracy of the court’s record for appeal in this matter” is under appellate review in Appeal No. 23-1967.

Therefore, the appeal **divests** the district court of power to take other action affecting the cause without permission from the court of appeals. *Griggs v. Provident Consumer Discount Company*, 459 U.S. 56 (1982). See also *Hamer v. Neighborhood Housing Services of Chicago*, 583 U.S. \_\_\_\_ (2017).

Since Judge Smith's repeating "interference with the accuracy of the court's record for the appeal" on November 20, 2023 issuing the functus officio void November 20, 2023 Text Order modifying his pre-appeal November 17, 2023 text order denials is the order under appeal here, and is a continuance of the "interference with the accuracy of the court's record for the appeal" that is under appellate review in Appeal No. 23-1967, the *legal justification* to consolidate Appeal No. 23-1967 and Appeal No. 23-1978 is compelling.

**B. "Purported Mistake has Been Rectified" - The functus officio district court admits in the February 1, 2024 order that the November 20, 2023 "rectified the mistake" of the district court's November 17, 2023 text orders that are under appeal in Appeal No. 23-1967 showing continuing "interference with the accuracy of the court's record for the appeal" by rectifying mistakes after the appeal and while the appeal is pending without authorization from the court of appeals**

In the void February 1, 2024 district court order, (ECF 48) the functus officio district court admits that the November 20, 2023 order purported to "rectify the mistake" of the two Text Orders of November 17, 2023 that are under appeal in Appeal No. 23-1967. Appellant quotes the

February 1, 2024 order, last paragraph of the last page of the order “ ... Text Order (Nov. 20, 2023). Thus, the purported mistake has been rectified.” The Appellant attaches herewith the screenshot of the void February 1, 2024 order bearing Judge Smith’s signature, and under Fed. R. Evid. 201 requests judicial notice of the screenshot pasted to this Show Cause here below (see page 14 of this Show Cause):

- (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b);
- (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party;
- (4) the judgment is void;
- (5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or
- (6) any other reason that justifies relief.

Fed. R. Civ. P. 60(b). Plaintiff's motion, however, merely rehashes the same arguments that she made in her Rule 59 Motion. For the same reasons above, Plaintiff's Rule 60(b) Motion is DENIED.

Finally, Plaintiff's third motion is brought under Rule 60(b)(1). In it, she aggrieves the Clerk's office's delay in docketing her first and second motions. Despite the delay, the Court ordered the motions to be docketed. Text Order (Nov. 20, 2023). Thus, the purported mistake has been rectified. Plaintiff's Rule 60(b)(1) Motion is DENIED as MOOT.

IT IS SO ORDERED.



William E. Smith  
District Judge  
Date: February 1, 2024

Therefore, Judge Smith admits that on November 20, 2023, when the district court became divested of jurisdiction, the district court issued the void order purportedly to “rectify the

mistake” of the district court order’s November 17, 2023 text orders.

This Court is fully cognizant of the interference with the accuracy of the record on appeal Judge Smith’s admitted rectification caused. It is crystal clear that the ***functus officio*** judge Smith lacked any authority on November 20, 2023 to modify the two November 17, 2023 district court text orders issued before the filing of the Notice of Appeal ***without the authority of the court of appeals.***

Therefore, Appeal No. 23-1967 and 23-1978 should be consolidated.

**III. Judge Smith’s *Functus Officio* obstructions and interferences of the appeal in this matter appears to be calculated to conceal from judicial notice of the crucial fact that *he* was Defendant-Appellees’ chief outside counsel at Edwards & Angell representing the State of Rhode Island at the time of the 1996 Amendment of Title IV-D of the Social Security Act**

The pinnacle matter of this action at law is the fact that the Rhode Island Appellees in an organized and deliberate manner fail to comply with the 1996 Amendment to Title IV Part D of the Social Security Act. Indeed, the billion dollar question at the heart of the matter is the extent to which the organized knowing failure to comply with Title IV

pervades the 42 U.S.C. sec. 654(1) political subdivisions of Rhode Island, and thus the amount in billions of dollars of penalties and fines, that may involve jail time, incurred and accrued since 1996 when Judge Smith was the chief outside counsel of the Rhode Island Appellees and their employees.

Title IV, one of the largest federal-state cooperative Entitlement Program appropriated hundreds of billions to trillions of dollars annually, saw Congress enact meaningful penalties against noncompliant states in 1996, and as such Judge Smith as the lead outside counsel for an extensive majority of the political subdivisions of the State of Rhode Island had and should have had knowledge of issues of noncompliance with Title IV-D, Title IV-A and 42 U.S.C. sec. 654.

Accordingly, in support of this Show Cause, Appellant moves for judicial notice of the following, pursuant to Fed. R. Evid. 201 and the Court's inherent truth-seeking authority.

Diligently scouring the federal appellate rules and procedures, Appellant could not find any explicit requirements to file a stand-alone separate application or motion for Fed. R. Evid. 201 for judicial notice, therefore, if Appellant, just as do judges and courts that make

mistakes, respectfully requests good cause or excusable neglect reasons for failing to find any textually explicit requirement to file a motion for judicial notice under Fed. R. Evid. 201 separately. If the Court so orders, Appellant will absolutely comply.

**IV. Appellant's Motion pursuant to Fed. R. Evid. 201 and 18 U.S.C. sec. 4 for Judicial Notice of the Commission of Organized Crimes**

Under **Fed. R. Evid. 201** and pursuant to **U.S.C. § 4, 18 U.S.C. § 666 18 U.S.C. § 287 - making false, fictitious claims, 18 U.S.C. § 371 - conspiracy to defraud the United States, 18 U.S.C. § 1001 - false documents or false statements to a federal agency, 18 U.S.C. § 1341 - mail fraud, 18 U.S.C. § 1343 - wire fraud, 18 U.S.C. § 641 - Public money, property or records, 31 U.S.C. § 3279 - federal civil false claims act Et al. , Appellant respectfully requests judicial notice of all that is made known to judges of the United States below.**

Under **Fed. R. Evid. 201(e)**, Appellant requests for a hearing on Appellant's motion to take judicial notice.

The Court may take judicial notice of any matter “not subject to reasonable dispute because it . . . can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” Fed R. Evid. 201(b).

The legislations publication, concurrent litigation court information, United States’ Briefs and Judge-Created Laws are available through the Congress’s official website, through the Rhode Island Publications of State Legislations, through Rhode Island’s Digital Courts’ online portals, and through the United States Department of Justice Website, and, thus, is properly subject to judicial notice. *See Daniels-Hall v. Nat’l Educ. Ass’n*, 629 F.3d 992, 998-99 (9th Cir. 2010) (taking judicial notice of information contained in school district websites).

The State Policy attached in **Exhibit A** was not available until 2024 and is highly indisputable fact. It is a written policy regarding, inter alia, the removal of interest from the automated data processing and information retrieval system in interstate cases, and at the top of the one page policy, it states, “This specification will outline the process by which interstate cases are selected, automatic adjustments are created, and support orders are modified **all for the purpose of removing interest from interstate cases**.” It is directly relevant to and at the heart of this INTERSTATE matter. Rhode Island’s policy and practice administering the Title IV Program requiring by Policy “Specification for OCSS Change Order” the systemic unlawful and fraudulent removal from the automated data processing

and information retrieval system mandated by 42 U.S.C. sec. 654, thus creating, *inter alia*, false accounting records, false certifications to the State of TEXAS and to the UNITED STATES under 42 U.S.C. sec. 654 and 42 U.S.C. sec. 666 are crucial factual allegations at the heart of this matter – see Amended Complaint, **ECF 25**. And Judge Smith knew and should have known and advised the Rhode Island Appellees on the legality of this scheme from 1996 to the time of his appointment as Federal Judge in 2002. As such, Judge Smith had an obligation to make it known to a judge or other civil or military authority of the United States under 18 U.S.C. sec. 4.

The next paragraph of this Policy states, “It is desirable for the Rhode Island Office of Child Support Services (OCSS) to prohibit the charging of interest on interstate cases. This is manually done by placing an N in the interest field on page 2 of the support order. Entry of the N not only prohibits the charging of future interest but automatically creates adjustments to zero out any existing interest.”

The last paragraph of this one-page policy states, “**Two reports** will be created” for several different categories of various manual adjustments N, Y, B or P. Therefore, in this interstate case targeting TEXAS, interest was manually removed from the system when Rhode Island falsely certified the accuracy of the total amount due in violation of, *inter alia*, 42 U.S.C. sec. 666(14), lying and deceiving TEXAS that there is no interest when in fact the interest amounting to

tens of thousands of dollars were unlawfully and fraudulently removed from the system. This simultaneously created a false certification to the UNITED STATES under the Title IV-D and Title IV-A Programs to fraudulently certify that Rhode Island is in compliant with Title IV in order to procure billions of dollars of federal funding it is ineligible for, which automated system adjustments to conceal the noncompliant 12% compound interest and false certification acts since the 1996 Amendments to 42 U.S.C. sec. 654, incurred and accrued over a billion dollars.

At the bottom of the Policy page, it is dated January 25, 2011. 12% compound interest was established in 2012 in Appellant's case. Therefore, the Policy affects and is directly and materially relevant to this matter.

The screenshots of the Appellees' State Plan operated online Child Support account that is operated by the State Plan's automated data processing and information retrieval system are extensively described in the Amended Complaint in this matter. The Policy is relevant because it states the policy that "it is undesirable for the Rhode Office of Child Support Services to charge interest in interstate cases." The Amended Complaint describes an interstate case in which interest is charged by the Appellees. The policy is moreover relevant because it states "two reports" will be created that shows retrieval of data from the automated data processing and retrieval system, one with adjustments and another without adjustments, which is described in the Amended Complaint, describing at least

seven different sets of books of accounts showing accounting fraud in interstate cases. The Policy describing detailed instructions on how to make adjustments to the automated data processing and information retrieval system to create two reports in interstate cases relating to adjustments of “undesirable” interest in interstate cases shows an organized falsification of certification and government records in Title IV-D Program official records and documents, that are straightforward criminal. That “undesirable” interest in interstate cases concerns the routine establishment and enforcement of 12% compound interest in Rhode Island under color of state law, R.I.G.L. sec. 15-5-16.5. It is “undesirable” because under Title IV-D, specifically 42 U.S.C. sec. 654(21)(A), 12% compound interest is prohibited, and it is “undesirable” in interstate cases because Rhode Island knows full well that the 12% compound interest state legislation is preempted by 42 U.S.C. sec. 654(21)(A) upon State’s acceptance of participation in Title IV-D. The Policy evidences the knowing violation and organized Rhode Island circumvention of 42 U.S.C. sec. 654(21)(A) through the creation of multiple books or reports of accounts that are false in interstate cases. The Policy evidences that the charging of the color of state law 12% compound interest necessarily involves a symbiotic entity that establishes the “undesirable” 12% compound interest in interstate cases – that would be the 42 U.S.C. sec. 654(1) state political

subdivision, Rhode Island state family court and certain pliant judges sitting therein.

The Younger abstention issue squarely before this Court then is, unlike other state proceedings, the federal government is heavily involved in Title IV-D proceedings, and prescribed explicitly by statute tens of millions of dollars of penalty liable by the State for a single unwilful noncompliance. This State Policy (**Exhibit A**) that explicitly provides for “it is undesirable to charge interest in interstate cases” and the creations of “two reports” resulting from “adjustments” to the automated data processing and information retrieval system in interstate cases makes it plain that noncompliance is not just willful by policy and systemic, but also involves acts that violate the Federal Criminal Codes, as it entails theft of the Federal Program Funding under 18 U.S.C. sec. 666 and 18 U.S.C. sec. 641 through falsification of records. Therefore, does the Comity envisioned in our Union envisioned by Appellees and the district court under *Younger* Abstention apply when the federal preemptive statutory text of Title IV-D explicitly provide for steep penalties for single noncompliance in fiscal year that runs up to tens of millions of dollars, with a penalty compounding effect (of its own!) of subsequent State failures up to 30% of the amount of federal funding paid to the State – certainly additional penalties accrued in 2023 and now in 2024 directly as a result of applying Younger Abstention, and that certainly is not in the State’s interest to

continue to fail to comply, willfully, in light of Appellant's challenges, here, in Appeal No. 23-1967, 23-1978 and in yet a possible fourth appeal.

The Appellant is introducing highly indisputable facts.

These facts are compelling because they provide a tantamount service to the United States and are moreover proffered to the Judges of the United States under 18 U.S.C. sec. 4.

Under the Appellate Court's inherent equitable authority, moreover, the federal courts of appeals have relied on the truth-seeking function of the judiciary to permit supplementation of evidence. *See., e.g.*, "It would be nonsensical to overlook the existence of materials that bear heavily on the contested issue."

***Colbert v. Potter*, 471 F.3d 158, 166** (D.C. Cir. 2006). Here, one of the threshold issues of *Younger Abstention* is whether the limited jurisdiction state family court, itself a 42 U.S.C. sec. 654(1) political subdivision that 42 U.S.C. sec. 654 binds, has the authority to enforce, establish or address Rhode Island's routine 42 U.S.C. sec. 654(21)(A) prohibited 12% compound interest on overdue support under color of state law when Rhode Island participates in Title IV-D that Congress in its statutory text explicitly preempts State general laws and State constitutions to the extent that Congress prescribes "Grace Periods for Effective Date" prescribing the States to amend the State constitution for compliance, or whether proceedings as

such lack any authority under the law as plainly “under color of state law” void, voidable and nullity proceedings that are fraudulent and penalty-incurring (tens of millions of dollars for a single willful violation under Title IV-D). Therefore, in this case, Rhode Island’s noncompliance incurs monetary liability that are in the tens of millions of dollars per single violation explicitly prescribed by Congress in 42 U.S.C. sec. 654. States lack any interest in the knowing and abusive violation of the preemptive 42 U.S.C. sec. 654, abusively dressed up as a state “interest to enforce child support.” In reality, Rhode Island has an overwhelming and compelling State interest to comply with 42 U.S.C. sec. 654 rather than violate provisions of 42 U.S.C. sec. 654. For this First Circuit, the question of the resulting harm inflicted on the State of Texas to have to then address the unenforceability and issues of void judgments under color of Rhode Island state law, and Rhode Island’s inherent attempt to harm citizens of Texas, harming Texas’s State interest, as well as Texas Appellant’s individual interests, must be decided, and the decision affects the National Interest and the Public’s Interest nationally. This Court must take judicial notice of the fact that all other applicable federal districts within the First Circuit, Massachusetts, New Hampshire, Maine are 42 U.S.C. sec. 654(21)(A) compliant (setting 0% - 6% interest). Title IV-D also specifically prescribes federal and states review (executive and judicial) of whether support orders are enforceable and Congress cast doubt to the accuracy of support

orders and enforcement operations that prompted Congress to act and enact the 1996 Amendments to 42 U.S.C. sec. 654, specifically explicitly providing penalties that could amount to tens of millions of dollars to over hundred million dollars in a fiscal year for State noncompliance – to wit the \$10 million penalty incurred by South Carolina in 2010 described in the United States Brief in the seminal case, Turner v. Rogers. It is against the public interest and against the “Comity” to permit the wanton continuation of Rhode Island’s 12% compound interest under color of state law targeting noncustodial victims that, if allowed to mushroom, reaches its tentacles across all corners of the United States, out of an inequitable disproportionate concern for Appellee-alleged Rhode Island’s “interest” that essentially is no interest at all. Essentially, it is in Rhode Island’s interest to comply with 42 U.S.C. sec. 654. For the majority law-abiding 360 million population’s interest in the United States to subserve to the law-violating Rhode Island’s Appellee-alleged “state interest,” in essence, non-interest, runs afoul of Inherent Justice for all.

## **The Court’s Truth-Seeking Function and Fed. R. Evid. 201**

### **I. Inherent Equitable Authority**

The lower court dismissed Appellant’s Amended Complaint without leave to amend, with the Appellees answering the Amended Complaint. The First

Amended Complaint in that action amends the original complaint filed in the action at law filed on March 30, 2023, based on factual circumstances here, namely presenting in pleading of facts supported by evidence produced by the State Appellees pursuant to court ordered discovery since seven months ago in February 2023 by the family court in State ex. rel. Gero Meyersiek v. Mary Seguin, K20010521M and information obtained through *statutory right of access to public records via federal and state freedom of information act and access to public records acts*.

Federal courts of appeals have held that a plaintiff appealing an FRCP 12(b) dismissal may request that the court consider extra-record materials, in determining whether the complaint should have been dismissed without leave to amend. In ***Orthmann v. Apple River Campground, Inc.***, 757 F.2d 909 (7th Cir. 1985), for example, the Seventh Circuit considered evidence produced during discovery in a parallel case but never introduced at trial in the case on appeal.

As Judge Posner explained in *Orthmann*, although the materials presented for the first time on appeal were "no part of the official record," the appellant, hoping "to show that the complaint should not have been dismissed on its face" could present "an unsubstantiated version of the events," so long as that story "was not inconsistent with the allegations of the complaint." *Orthmann*, supra n. 46, at 914-15.

The supplemental materials, he noted, "[were] usable to show how the accident might have happened." *Id.* at 915.

Here, the supplemental materials are usable to show how the breach of contract, fraud and deprivation of Constitutional rights might have happened, since much of the legislative history and statutory notes of 42 U.S.C. sec. 654 showing its preemptive effect on State legislation as well as State constitutions, and the State's prima facie Policy showing its "work-around" scheme to circumvent detection of its unlawful 12% compound interest through the creation of "two reports" that are then interchangeably used to cover up the unlawful 12% compound interest when certifying to Texas and to the United States, then another "report" when it enforces the unlawful 12% compound interest in the state's family court and intrastate under color of state law are usable to show how the breach of contract and fraud, as well as deprivation of Appellant's due process rights protected by 42 U.S.C. sec. 654 as well as Federal Constitutional rights happened with organized intent by the Appellees.

Appellant relies on the 2024 recently discovered **State Policy** to show how breach of contract, fraud and deprivation of Constitutional rights might have been established and, accordingly, why the district court should not have dismissed Appellant's complaint, not even without leave to amend. Moreover, this evidence

corroborates the Amended Complaint filed in the concurrent matter before this Court of Appeals, in Appeal Case. No. 23-1967.

Accordingly, Appellant files this motion pursuant to the Court's inherent truth seeking function authority to supplement the record.

## **II. Federal Rules of Evidence 201**

Under Fed. R. Evid. 201, federal courts of appeals can take judicial notice of highly indisputable facts or other court proceedings that directly relate to the issues on appeal. The record on appeal is subject to the right of an appellate court to take judicial notice of new developments not considered by the lower court.” *See e.g. Landy v. FDIC*, 486 F.2d 139, 151 (3d Cir. 1973). Parties may in consequence seek to supplement the appellate record with new materials under Fed. R. Fed. 201.

Judicial Notice of Legislative Acts by Congress and Congressional statutory notes and texts that explicitly provide for the preemptive effect of 42 U.S.C. sec. 654 over State general laws and State constitutions, are under Fed. R. Evid. 201[a] Advisory Committee's note or are “established truths, facts or pronouncements that do not change from case to case” and “do not relate specifically to the...litigants.” [*United States v. Gould*, 536 F.2d 216, 220 [8th Cir. 1976]]. In general, courts are free to take notice of legislative facts, including research data and writings like those cited in the famous “Brandeis briefs.” Appellate courts take judicial notice of

such legislative facts, because they help them develop reasonable rules of law that will apply in future cases.

Appellant was not aware of the Rhode Island State Policy that prohibits the charging of interest rate in interstate cases until 2024, *see* Appellee Rhode Island Office of Child Support Services **Policy Exhibit A**. Therefore, this evidence was not available at the time final judgment was issued on October 19, 2023 in this matter. Judicial Notice, in aid of the court, is respectfully requested of it. Whether requesting or opposing judicial notice, litigants have a right to be heard on the issue under **Rule 201[e]**, **therefore, Appellant requests a hearing on the issue under Rule 201(e).**

**Under Fed. R. Evid. 201[f]**, judicial notice of adjudicative facts may be taken at any stage of the proceedings, including on appeal. In practice, appellate courts frequently take judicial notice of both adjudicative and legislative facts presented for the first time on appeal, whether requested by a party or on their own initiative. See, e.g., *Hotel Employees & Rest. Employees Union, Local 100 of New York, N.Y. & Vicinity, AFL-CIO v. City of New York Dep't of Parks & Recreation*, 311 F.3d 534, 540 n.1 [2d Cir. 2002]; *In re Indian Palms Assoc. Ltd .*, 61 F.3d 197, 205 [3d Cir. 1995]. *See also, White v. Gaetz*, 588 F.3d 1135, 1137 n. 2 (7th Cir. 2009) (taking judicial notice of state court transcript). The federal courts of appeals may take judicial notice of a proceeding in another court if the proceeding

has a direct connection to the issues on appeal, *See Philips Med. Sys. Intl., B.V. v. Bruetman*, 982 F.2d 211, 215 (7th Cir. 1992).

Appellant respectfully requests the Court to take judicial notice under Fed. R. Evid. 201 of the attached Objection and Notice to Take Judicial Notice Pursuant to Fed. R. Evid 201 and 18 U.S.C. sec. 4 filed in Appeal No. 23-1967, Document: 00118126457 filed on March 29, 2024. See **Exhibit B**. Document: 00118126457.

Judicial Notice in practice is taken at any time of a proceeding, including for the first time on appeal, of legislative history and statutory amendments, etc., e.g., the legislative history of 42 U.S.C. sec. 654 regarding Congress's Amendment in 1996. This similarly applies to the State of Rhode Island's legislative history, to wit, the failure of Rhode Island Gen. Law. 15-5-16.5 to comply with the 1996 Amendment of 42 U.S.C. sec. 654. 42 U.S.C. sec. 654 makes it explicitly clear that such failures incur penalties. The fact that Rhode Island family court is a court of limited jurisdiction, as prescribed by R.I. Gen. Law. 8-10-3 where limited relief is authorized by State legislation is a matter of legislative fact, that in practice is judicially noted at any time of a proceeding, including for the first time on appeal.

Appellant attaches the above legislations, requesting judicial notice of Congress's publication of 42 U.S.C. sec. 654 that answers all threshold questions of jurisdiction. The Congressional 1996 Amendment for 42 U.S.C. sec. 654

*explicitly* make clear that 42 U.S.C. sec. 654 preempts State laws and State constitutions, and mandates that participating States must change State laws and amend State constitutions accordingly to comply with the 1996 Amendment provisions of 42 U.S.C. sec. 654. The pre-emptive effect of the explicit language in the statutory provisions under Amendment 1996 of 42 U.S.C. sec. 654 make clear that the State of Rhode Island is operating an unlawful State Plan that unlawfully charges 12% compound interest on overdue support under color of state law, which noncompliant state law is the basis of the current “State enforcement” of its routine “court orders” charging 12% compound interest without jurisdiction. Moreover, the fact that since 1996 Rhode Island falsely certified to the United States for the past twenty-eight (28) years that its State laws are compliant with 42 U.S.C. sec. 654 violates Federal Criminal Codes, is a fact that this Court must take judicial notice under Fed. R. Evid. 201, its inherent truth-seeking authority, and under Appellant’s invocation of 18 U.S.C. sec. 4. Since a trial did not occur in this matter, at this juncture the Court must take all factual allegations in the Amended Complaint in this matter as true, and it plainly pleads that the State Appellee represented to the Appellant in Texas that if Appellant paid \$104,185.98 in one lump sum, Appellee Gero Meyersiek waived interest, and that the \$104,185.98 is a pay-off amount that does not include interest. And this allegedly enforceable interest was established under R.I. Gen Laws 15-5-16.5 that is

explicitly preempted by 42 U.S.C. sec. 654 upon Rhode Island’s acceptance of participation in 42 U.S.C. sec. 654 since 1996, along with the 1996 Amendment’s explicitly provided penalties for noncompliance – in Rhode Island’s case, as shown by the posture of the Appellees in multiple jurisdictions, the noncompliance is willful and defiant. Rhode Island is free to continue enforcing its 12% compound interest state law, but that, by Federal Law, requires withdrawing from participation in Title IV, per the plain language of Title IV-D, and paying the penalties it incurred and accrued since 1996 during Rhode Island’s participation that amounts to up to billions of dollars, as explicitly provided for in 42 U.S.C. sec. 654 to make the United States whole. To make Appellant whole, Appellant seeks millions of dollars in damages in this action at law.

Appellee Gero Meyersiek changed his mind after the Texas Appellant accepted the offer in Texas, performed and paid the lump sum \$104,185.98. The “changed his mind” entailed the action of “putting interest back on the system” that consists of 12% compound interest (see attached R.I.G.L. sec. 15-5-16.5.).

Since the State Plan that charges 12% compound interest, takes interest off the system only during certifications to the TEXAS and UNITED STATES authorities, and then puts interest back on the system when Appellee Gero Meyersiek “changed his mind” waiving interest after Texas Appellant performed on the terms of the agreement, it is abundantly clear that the Appellees,

government and private persons, operate a criminally unlawful State Plan. Since all Appellees participate in the “take interest off the system” when certifying to TEXAS and when certifying to the UNITED STATES the total support due, and since the State Policy provides for the creation of “two reports,” Fed. R.Evidence 201 evidence is abundantly clear before this Court and before a panel of “some judges” pursuant to the pending Fed. R. App. P 8(a)(2)(D) motion supported by affidavit in Appeal No. 23-1967 of organized criminal fraud and the lack of jurisdiction of the limited jurisdiction state family court to issue orders for 12% compound interest on overdue support that 42 U.S.C. 654(21)(A) explicitly prohibits, this Court must take judicial notice of legislative and adjudicative facts relating to these critical matters materially relevant to this case.

For the convenience of the Judges of this Court, Appellant attached hereto Congress’s publication of 42 U.S.C.. sec. 654, the RI Gen. Law 15-5-16.5.

Appellees’ request to strike Fed. R. Evid. 201 evidence of crimes made known to “some judges” under 18 U.S.C. sec. 4 from the record in a matter that involves Appellees’ organized criminal activity that violates, inter alia, 18 U.S.C. sec. 666 and 18 U.S.C. sec. 641, 18 U.S.C. § 287 - making false, fictitious claims, 18 U.S.C. § 371 - conspiracy to defraud the United States, 18 U.S.C. § 1001 - false documents or false statements to a federal agency, 18 U.S.C. § 1341 - mail fraud,

18 U.S.C. § 1343 - wire fraud by the Appellees is an obstruction of an official proceeding and an obstruction of justice.

Finally, undisputed Appellees' operational evidence that includes unlawful redactions made sense only after the availability in 2024 of the State Policy that evidences the State Plan operating an unlawful Child Support enforcement program by policy of creating "two reports" in interstate cases, one with the unlawful 12% compound interest to enforce under color of law, and one report for the purposes of making false claims, false certifications, and falsifying official government documents to unlawfully apply for Federal Title IV Program funding that the Appellees knew Rhode Island is ineligible for. That amounts to billions of dollars of theft against the United States.

Emphatically, Congress intended, by making "some judge(s)"... "of the United States" to whom the commission of crimes is mandated to be made known, explicitly conferred the duty on Judges of the United States under Federal Criminal Law the same duty, obligations and responsibility acting as authorities under the United States, as the "other persons in civil or military authority under the United States" explicitly named in the federal criminal statute 18 U.S.C. sec. 4. Appellant requested Judicial Notice under 18 U.S.C. sec. 4 to the "some judges" as the "person in authority under the United States" under 18 U.S.C. sec. 4. Striking from the record Congressional legislation history of 42 U.S.C. sec. 654, State

legislation history, Rhode Island State Plan 42 U.S.C. sec. 654(3) State operating and disbursement unit's Policy that are neither classified information nor confidential or privileged information to the United States are further not in the interest of the United States.

Striking evidence that shows \$0.00 interest on a December 6, 2021 screenshot of the Appellee-operated 42 U.S.C. sec. 654a automated data processing and information retrieval system accomplishes nothing other than taking as true the factual allegations in the Amended Complaint that details Appellant being shown the \$0.00 Under Interest generated by the automated data processing and information retrieval system. The Fed. R. Evid. visual evidence aids the court to visualize the truth of Appellant's factual allegations.

Striking evidence of a screenshot of the Appellee-operated 42 U.S.C. sec. 654a automated data processing and information retrieval system that shows \$0.00 Payment for Appellant's whopping lump sum \$104,185.98 December 7, 2021 payment accomplishes nothing, when the screenshot is a visual evidence of the "two reports" explicitly stated in the Appellee State Policy to create "two reports" that consist of falsified records – these are evidence in the aid of the court of Appellant's 18 U.S.C. sec. 4 and Fed. R. Evid. request to take judicial notice of activities that harm the United States and steal from Federal Program Funds.

This case is related to Appeal No. 23-1967 and Appeal No. 23-1978.

**Under Fed. R. Evid. 201[f]**, judicial notice of adjudicative facts may be taken at any stage of the proceedings, including on appeal. In practice, appellate courts frequently take judicial notice of both adjudicative and legislative facts presented for the first time on appeal, whether requested by a party or on their own initiative. See, e.g., *Hotel Employees & Rest. Employees Union, Local 100 of New York, N.Y. & Vicinity, AFL-CIO v. City of New York Dep't of Parks & Recreation*, 311 F.3d 534, 540 n.1 [2d Cir. 2002]; *In re Indian Palms Assoc. Ltd .*, 61 F.3d 197, 205 [3d Cir. 1995].

Appellate courts take judicial notice of facts that were not available to litigants at trial and events that occurred after judgment was entered. For example, courts have taken judicial notice of guilty pleas entered in a related criminal case after judgment in the civil case was entered. See, e.g., *Colonial Penn Ins. Co. v. Coil*, 887 F.2d 1236, 1239 [4th Cir. 1989]. Similarly, appellate courts have taken judicial notice of post-judgment changes in the conditions in a foreign country relevant to an immigration appeal, *Ivezaj v. INS* , 84 F.3d 215, 218-19 [6th Cir. 1996], as well as post-trial changes in the racial composition of a state's judiciary in a discrimination suit. *Southern Christian Leadership Conference of Alabama v. Sessions*, 56 F.3d 1281, 1288 n.13 [11th Cir. 1995].

Certain categories of facts have long been the subject of judicial notice on appeal. Courts routinely take judicial notice of pleadings and records in other court cases [see, e.g., *Green v. Warden*, U.S. Penitentiary, 699 F.2d 364, 369 [7th Cir. 1983]; *E.I. du Pont de Nemours & Co. Inc. v. Cullen*, 791 F.2d 5, 7 [1st Cir. 1986]] and in administrative agency proceedings [see, e.g., *Opeka v. INS*, 194 F.3d 392, 394-95 [7th Cir. 1996]], Courts are generally willing to take judicial notice of data, pronouncements and publications issued by the government, such as Environmental Protection Agency research [*Nebraska v. EPA*, 331 F.3d 995, 998 n.3 [D.C. Cir. 2003]]; State Department travel warnings [*Parsons v. United Tech. Corp.* , 700 A.2d 655, 665 n.18 [Conn. 1997]]; and a federal fisheries management plan approved by formal rule [*City of Charleston v. A Fisherman's Best Inc.*, 310 F.3d 155, 172 [4th Cir. 2002], cert. denied, 123 S.Ct. 2573 [2003]]. Appellate courts are also likely to take judicial notice of relevant newspaper articles [see, e.g., *The Washington Post v. Robinson*, 935 F.2d 282, 291-92 [D.C. Cir. 1991]] and historical information contained in authoritative publications, such as a text on the history of Lincoln Center [see, e.g., *Hotel Employees*, 311 F.3d at 540 n.1.].

Courts take judicial notice of online information. Appellate courts have increasingly cited information found on the Internet. In today's digital courts, all court information filed in concurrent and related state court proceedings are available online, on government websites, such as Rhode Island's digital courts

where this Federal Appeals Court should by the plain textual language of Rhode Island Rules and Practice Rule 5 relating to access to court information (that denies the Public and pro-se litigants remote access), should have no trouble accessing court information through Rhode Island’s digital courts’ online portal. Rhode Island’s judge-created laws regarding all relating cases enforcing the 12% compound interest published online should also be available to this Federal Court online under the Government Edicts Doctrine (although they are accessible to the Public and to the pro-se litigants) – see ***Georgia v. Public.Resource.Org, Inc.***, 590 U.S. \_\_\_\_ (2020). As with hard-copy publications, courts are most willing to take judicial notice of information found on government Web sites, such as the time of sunrise found on the Web site of the U.S. Naval Observatory [*U.S. v. Bervaldi*, 226 F.3d 1256, 1266 n.9 [11th Cir. 2000]]; the prime interest rate on the Federal Reserve Board Web site [*Levan v. Capital Cities/ABC Inc.*, 190 F.3d 1230, 1235 n.12 [11th Cir. 1999]]; and records of retired military personnel on a federal Web site [*Denius*, 330 F.3d at 926]. Courts have even been willing to take judicial notice of information on arguably less reliable commercial Internet sites, including mileage information on Mapquest [*In re Extradition of Gonzalez*, 52 F. Supp. 2d 725, 731 n.12 [W.D. La. 1999]]; historical information on Liberia on the “Geocities” Web site [*Bridgeway Corp. v. Citibank*, 45 F. Supp. 2d 276, 278 n.2 [S.D.N.Y. 1999]]; and information regarding a bank’s ownership from the bank’s

Web site [see *Laborers' Pension Fund v. Blackmore Sewer Constr. Inc.*, 298 F.3d 600, 607 [7th Cir. 2002]]. Therefore, information on the complete extent of Rhode Island's citizenry harmed by the State's unlawful establishment and enforcement of the unlawful and Title IV-D-preempted 12% compound interest under color of state law that is available online on Rhode Island's Government's Digital Courts Website, is *reliable*, is *judge-created by state judges*, and is directly related to the Amended Complaint, motion to amend complaint *nunc pro tunc*, the September 28, 2023 judgment in this matter, and the State Policy attached in Exhibit A that was available to the Appellant in 2024, after the Appellant filed her Opening Brief in 2023 pursuant to the Court's Briefing schedule.

The use of judicial notice spans a wide spectrum of cases, from the most historically significant-such as Chief Justice Earl Warren's reliance in *Brown v. Board of Ed.*, 347 U.S. 483, 494 n.11 [1954], on scholarly publications documenting the effect of segregated schools on minority children-to the most mundane, such as the 2d U.S. Circuit Court of Appeals' judicial notice of the "traditional features of a snowman." *Eden Toys Inc. v. Marshall Field & Co.*, 675 F.2d 498, 500 n.1 [2d Cir. 1982].

In general, courts are free to take notice of legislative facts, including research data and writings like those cited in the famous "Brandeis briefs." Appellate courts are understandably more willing to take judicial notice of such

legislative facts, because they help them develop reasonable rules of law that will apply in future cases. “Legislative facts,” which are facts of general “relevance to legal reasoning and the lawmaking process” [Fed. R. Evid. 201[a] Advisory Committee’s note] or are “established truths, facts or pronouncements that do not change from case to case” and “do not relate specifically to the...litigants.” [*United States v. Gould*, 536 F.2d 216, 220 [8th Cir. 1976]]. 42 U.S.C. sec. 654 relates to all interested parties and the United States, and are established truths and facts that do not change from case to case, and do not specifically only apply just to this matter. Likewise R.I. Gen. Laws. Sec, 15-5-16.5 relates to all interested parties and the United States, not just to this matter. Likewise the Appellees’ State Policy prohibiting the charging of interest in interstate cases and creating “two reports” from the policy adjustments to the 42 U.S.C. sec. 654a automated data processing and information retrieval system is established truths and facts that do not change from case to case, and do not specifically only apply just to this matter. The resultant Screenshot evidence of the resulting false records created by the “two reports” do not change because Rhode Island creates two reports in intrastate cases in order to evade detection of the unlawful 12% compound interest under color of state law, one for enforcement under color of law, one for false certification of State Plan compliance to the United States Title IV Program. While full suite of issues concerning State noncompliance with 42 U.S.C. sec. 654 this Court notices

under the *Turner v. Rogers Amicus Brief* submitted by the United States can be noticed on the Court's own initiative, however, the full suite of the issues contained therein made sense of the State Policy that was not available to the Appellant under 2024 – nevertheless, Appellant makes known this evidence to the judges of the First Circuit Court of Appeals under 18 U.S.C. sec. 4 and Fed. R. Evid. 201.

As such, all public truths and facts and publications “made known” to this Court under **18 U.S.C. sec. 4** and **Fed. R. Evid. 201** should be judicially noticed. Appellant attaches the Brief hereto.

Appellant declares under **Fed. R. Evid. 201** and **28 U.S.C. sec. 1746(2)**, **that all the facts “made known” to the United States Panel of Judges invoking 18 U.S.C. sec. 4 and/or Fed. R. Evid. 201 in Appellant’s Notice of the Commission of Facts are true to the best of Appellant’s knowledge.**

**Appellant attaches hereto the 18 U.S.C. sec. 4 materials that are subject of this Fed. R. Evid. 201 Motion to Take Judicial Notice.**

Accordingly, Appellant requests judicial notice of the documents attached here to. Pursuant to **Fed. R. Evidence 201(e)**, Appellant requests by right a hearing.

## **CONCLUSION**

For the above reasons the Court should consolidate Appeal No. 23-1967 and Appeal No. 23-1978.

Respectfully submitted,

Mary Seguin

Pro Se

/s/ Mary Seguin

Email: [maryseguin22022@gmail.com](mailto:maryseguin22022@gmail.com)

Phone: (281)744-2016

P.O. Box 22022

Houston, TX 77019

Dated: March 31, 2024

## **CERTIFICATE OF SERVICE**

This is to certify that the foregoing instrument has been served via the Court's ECF filing system on March 31, 2024, on all registered counsel of record, and has been transmitted to the Clerk of the Court.

Mary Seguin

Pro Se

/s/ Mary Seguin

Email: [maryseguin22022@gmail.com](mailto:maryseguin22022@gmail.com)

Phone: (281)744-2016

P.O. Box 22022

Houston, TX 77019

## EXHIBIT I.

**Form 1A**

**Notice of Appeal to a Court of Appeals From a Judgment of a District Court**

United States District Court for the  
District of Rhode Island  
Docket Number 1:23-cv-126-WES-PAS

MARY SEGUIN, Plaintiff

v.

**Notice of Appeal**

RHODE ISLAND DEPARTMENT  
OF HUMAN SERVICES in its  
official capacity; MICHAEL D.  
COLEMAN, DEBORAH A.  
BARCLAY in their individual and  
official capacities;  
RHODE ISLAND OFFICE OF  
CHILD SUPPORT SERVICES in its  
official capacity; KEVIN TIGHE,  
MONIQUE BONIN, FRANK  
DIBIASE, WENDY FOBERT,  
KARLA CABALLEROS,  
TIMOTHY FLYNN, LISA  
PINSONNEAULT, CARL  
BEAUREGARD, PRISCILLA  
GLUCKSMAN, JOHN LANGLOIS,  
PAUL GOULD, in their individual  
and official capacities; RHODE  
ISLAND STATE COURT SYSTEM  
in its official capacity; PAUL A.  
SUTTELL in his individual and  
official capacity as EXECUTIVE  
HEAD OF RHODE ISLAND  
STATE COURT SYSTEM; RHODE  
ISLAND ADMINISTRATIVE  
OFFICE OF STATE COURTS in its  
official capacity; RHODE ISLAND  
ADMINISTRATIVE OFFICE OF  
THE SUPERIOR COURT in its  
official capacity; RHODE ISLAND  
JUDICIAL COUNCIL in its official  
capacity; RHODE ISLAND  
SUPERIOR COURT in its official

capacity; RHODE ISLAND  
SUPERIOR COURT JUDICIAL  
COUNCIL in its official capacity;  
THE JUDICIAL TECHNOLOGY  
CENTER in its official capacity;  
JULIE HAMIL, MARISA BROWN,  
JOHN JOSEPH BAXTER, JR.,  
JUSTIN CORREA in their  
individual and official capacities;  
RHODE ISLAND OFFICE OF THE  
ATTORNEY GENERAL in its  
official capacity; RHODE ISLAND  
OFFICE OF THE ATTORNEY  
GENERAL OPEN GOVERNMENT  
UNIT in its official capacity; ADAM  
D. ROACH, PETER NERONHA in  
their official and individual  
capacities; TYLER  
TECHNOLOGIES, INC.; GERO  
MEYERSIEK, Defendants

MARY SEGUIN (name all parties taking the appeal)\* appeals to the United States Court of Appeals for the FIRST Circuit from the final judgment entered on October 19, 2023 (state the date the judgment was entered).

Mary Seguin

Pro Se

/s/ Mary Seguin

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Houston, TX 77019

Dated: November 17, 2023

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\* See Rule 3(c) for permissible ways of identifying appellants.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF RHODE ISLAND

MARY SEGUIN,  
*pro se*

*Plaintiff,*

VS.

Civil Action No. 1:23-cv-126-WES-PAS

RHODE ISLAND DEPARTMENT OF HUMAN SERVICES in its official capacity; MICHAEL D. COLEMAN, DEBORAH A. BARCLAY in their individual and official capacities; RHODE ISLAND OFFICE OF CHILD SUPPORT SERVICES in its official capacity; KEVIN TIGHE, MONIQUE BONIN, FRANK DIBIASE, WENDY FOBERT, KARLA CABALLEROS, TIMOTHY FLYNN, LISA PINSONNEAULT, CARL BEAUREGARD, PRISCILLA GLUCKSMAN, JOHN LANGLOIS, PAUL GOULD, in their individual and official capacities; RHODE ISLAND STATE COURT SYSTEM in its official capacity; PAUL A. SUTTELL in his individual and official capacity as EXECUTIVE HEAD OF RHODE ISLAND STATE COURT SYSTEM; RHODE ISLAND ADMINISTRATIVE OFFICE OF STATE COURTS in its official capacity; RHODE ISLAND ADMINISTRATIVE OFFICE OF THE SUPERIOR COURT in its official capacity; RHODE ISLAND JUDICIAL COUNCIL in its official capacity; RHODE ISLAND SUPERIOR COURT in its official capacity; RHODE ISLAND SUPERIOR COURT JUDICIAL COUNCIL in its official capacity; THE JUDICIAL TECHNOLOGY CENTER in its official capacity; JULIE HAMIL, MARISA BROWN, JOHN JOSEPH BAXTER, JR., JUSTIN CORREA in their individual and official capacities; RHODE ISLAND OFFICE OF THE ATTORNEY GENERAL in its official capacity; RHODE ISLAND OFFICE OF THE ATTORNEY GENERAL OPEN GOVERNMENT UNIT in its official capacity; ADAM D. ROACH, PETER NERONHA in their official and individual capacities; TYLER TECHNOLOGIES, INC.; GERO MEYERSIEK

*Defendants*

**PLAINTIFF'S DOCKETING STATEMENT TO THE UNITED STATES COURT  
OF APPEALS FOR THE FIRST CIRCUIT AND THE UNITED STATES DISTRICT  
COURT OF THE DISTRICT OF RHODE ISLAND**

1. Plaintiff, proceeding pro se from and as a citizen of Texas, respectfully states to the U.S. Court of Appeals for the First Circuit and the United States District Court of the District of Rhode Island that this case is related to the pending appellate case, *Mary Seguin v. Rhode Island Office of Child Support Services, et al*, Case Number 23-1851.

2. Plaintiff respectfully requests the U.S. Court of Appeals for the First Circuit to review Plaintiff's timely filed Rule 59 Motion and Rule 60 Motion that were filed in the U.S. District Court of the District of Rhode Island on November 16, 2023 as proper part of the record of appeal. Prior to filing this Notice of Appeal, Plaintiff also filed a Rule 60(b)(1) Motion regarding the District Court's interference with Plaintiff's right to file Rule 59 and Rule 60 post judgement in which Plaintiff sought to preserve issues for appeal on the record. Plaintiff attaches all relevant documentation, including all relevant emails to the Clerk of the Court of the District Court and Plaintiff's properly filed post judgment motions pursuant to Rule 59 and Rule 60 herein to this Notice of Appeal and Docket Statement.
3. Plaintiff's Rule 59 Motion was filed on November 16, 2023, which the District Court of Rhode Island refused to docket on the record, pursuant to instructions by Judge Smith.
4. Plaintiff's first Rule 60 Motion was filed on November 16, 2023, which the District Court of Rhode Island refused to docket on the record, pursuant to instructions by Judge Smith.
5. Plaintiff attaches the aforesaid post judgment Motions and requests appellate review under these extraordinary and troubling factual circumstances that violate and obstruct the fundamental First Amendment right of access to the Court of Record, due process and obstruction to justice in the First Circuit, and *inter alia*, interference with the accuracy of the court's record for appeal in this matter.

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on November 16, 2023, I filed the within Motion with the  
Clerk of the Court via email.

Respectfully submitted,

Mary Seguin

Pro Se

/s/ Mary Seguin

Email: [maryseguin22022@gmail.com](mailto:maryseguin22022@gmail.com)

Phone: (281)744-2016

P.O. Box 22022

Houston, TX 77019

Dated: November 17, 2023

No. 23-1978

IN THE  
UNITED STATES COURT OF APPEALS  
FOR THE FIRST CIRCUIT  
UNITED STATES OF AMERICA,

Plaintiff-Appellant,

MARY SEGUIN

v.

RHODE ISLAND DEPARTMENT OF HUMAN SERVICES in its official capacity; MICHAEL D. COLEMAN, DEBORAH A. BARCLAY in their individual and official capacities; Rhode Island OFFICE OF Child Support Services in its official capacity; KEVIN TIGHE, MONIQUE BONIN, FRANK DIBIASE, WENDY FOBERT, KARLA CABALLEROS, TIMOTHY FLYNN, LISA PINSONNEAULT, CARL BEAUREGARD, PRISCILLA GLUCKSMAN, JOHN LANGLOIS, PAUL GOULD, in their individual and official capacities; RHODE ISLAND STATE COURT SYSTEM in its official capacity; PAUL A. SUTTELL in his individual and official capacity as EXECUTIVE HEAD OF RHODE ISLAND STATE COURT SYSTEM; RHODE ISLAND ADMINISTRATIVE OFFICE OF STATE COURTS in its official capacity; RHODE ISLAND ADMINISTRATIVE OFFICE OF THE SUPERIOR COURT in its official capacity; RHODE ISLAND JUDICIAL COUNCIL in its official capacity; RHODE ISLAND SUPERIOR COURT in its official capacity; RHODE ISLAND SUPERIOR COURT JUDICIAL COUNCIL in its official capacity; THE JUDICIAL TECHNOLOGY CENTER in its official capacity; JULIE HAMIL, MARISA BROWN, JOHN JOSEPH BAXTER, JR., JUSTIN CORREA in their individual and official capacities; RHODE ISLAND OFFICE OF THE ATTORNEY GENERAL in its official capacity; RHODE ISLAND OFFICE OF THE ATTORNEY GENERAL OPEN GOVERNMENT UNIT in its official capacity; ADAM D. ROACH, PETER NERONHA in their official and individual capacities; TYLER TECHNOLOGIES, INC.; GERO MEYERSIEK

Defendants-Appellees.

Appeal from the United States District Court for the District of Rhode Island

---

**APPELLANT'S SUPPLEMENTAL SHOW CAUSE IN SUPPORT OF  
APPELLANT'S MOTION TO CONSOLIDATE**

---

Appellant, MARY SEGUIN, respectfully supplement Appellant's Show Cause (filed on March 31, 2024) with the following documentary proof, namely the district court's Clerk's Certificate and Appellate Cover Sheet **ECF 33**, that the district court's **functus officio** actions taken subsequent to the November 17, 2023 filing of the Notice of Appeal of Judgment are void. In the section under "Record Information," the district clerk checked off "**NO**" as to *whether motions are pending, proving* that at the time of the filing of the Notice of Appeal of the final judgment on November 17, 2023, **NO MOTIONS WERE PENDING**, per the district court clerk's **certification**. This certification is electronically signed by district court Deputy Clerk Meghan Kenny.

The Appeal **divested** the district court of power to modify its pre-Appeal orders or take other actions affecting the cause without permission from the court of appeals. Since the district court clerk certified on the date of the Appeal on November 17, 2023 that there were **NO** pending motions (see **ECF 33**), the **functus officio** judge William Smith's post-appeal actions affecting the cause

without permission from the court of appeals are **void**. His actions *interfered* with the cause without permission from the court of appeals.

This appeal of the district court's November 20, 2023 **functus officio** Text Order appeals the **functus officio** November 20, 2023 Text order and actions taken by the district court from November 20, 2023 onward.

In aid of the Court, Appellant attaches the screenshot of **ECF 33** below, and requests judicial notice pursuant to Fed. R. of Evid. 201 of this undisputable fact:

Case 1:23-cv-00126-WES-PAS Document 33 Filed 11/17/23 Page 1 of 1 PageID #: 931



UNITED STATES DISTRICT COURT  
District of Rhode Island

CLERK'S CERTIFICATE AND APPELLATE COVER SHEET  
ABBREVIATED ELECTRONIC RECORD

Case Information	
Case Caption: <b>Seguin</b>	vs. <b>RI Dept of Human Services</b>
District Court Number: <b>1:23cv126-WES-PAS</b>	Presiding Judge: <b>Judge Smith</b>
Notice of Appeal filed by: <b>Plaintiff</b>	Notice of Appeal document number: <b>32</b>
Appeal from: <b>Text Order dated 11/17/2023 and Text Order dated 11/17/2023</b>	
Other information:	
Fee status: <b>Due</b>	Pro se case: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Emergency or requires expedition: No <input type="checkbox"/> If yes, reason:	
Record Information	
Motions Pending	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If yes, document #	
Other record information:	
Related case(s) on appeal:	
Certification	
I, Hanorah Tyer-Witek, Clerk of the United States District Court for the District of Rhode Island, do certify that the following annexed electronic documents constitute the abbreviated record on appeal in the above referenced case:	

Date: **11/17/2023**

HANORAH TYER-WITEK  
Clerk of Court  
/s/ Meghan Kenny  
Deputy Clerk

Appellant attaches herewith in Exhibit A, the Clerk's Certificate and Appellate Cover Sheet ECF 33.

The *functus officio* jurisdiction-divested district court judge's post-appeal *functus officio* actions that are under appeal have interfered with the cause of the appeal of the final judgment. The *functus officio* district court actions interfered with the Appellant's right to amend the appeal.

The *functus officio* district court's void post-appeal actions interfered with Appellant's right to amend the appeal in Appeal No. 23-1967.

The functus district court's void post-appeal actions interfering with Appellant's right to amend the appeal in No. 23-1967 necessitated a third Notice of Appeal to be filed appealing the district court's denials of the Appellant's FRAP 4 motions for extension of time to amend the appeal – Appellant filed the extension of time pursuant to the Court of Appeal's late-hour March 1, 2024 Court order in Appeal No. 23-1967 vacating the briefing schedule there out of confusion over the altered record on appeal that the *functus officio* district court altered without authority and unlawfully, intentionally. Judge William E. Smith, prior to his federal judicial appointment, was the Chief outside counsel for the Appellee Rhode Island political subdivisions under the State Plan under Title IV of the Social Security Act, from 1996 to 2002, and had advised the Appellee Rhode Island

political subdivisions on the State's noncompliant charge of 12% compound interest that violates 42 U.S.C. sec. 654(21)(A) (which permits only 0%-6% simple interest), and the State's unlawful and organized cover-up circumventing practices of making manual adjustments to the automated data processing and information retrieval system through the **removal** of the unlawful 12% compound interest whenever the State certifies the accounting fraud as a "true account," whether to other states, like TEXAS, for enforcement cooperations under 42 U.S.C. sec. 666, or to the United States for the unlawful procurement of federal funding under the Title IV Programs. Because Rhode Island knows violations of 42 U.S.C. sec. 654 incurs tens of millions of penalties in a fiscal year and may cause it to lose TANF funding, and the willful violation may cause it to become ineligible to participate in Title IV Programs, Rhode Island engages in systemic cover up, accounting fraud, falsification of government records and false certifications, all of which Judge William Smith had advised to as the Chief outside counsel for Rhode Island political subdivisions and the Rhode Island Appellees. This is essentially a cover up of organized unlawful theft of TEXAS, theft of the United States and theft of targeted unsuspecting noncustodial parent victims under color of Rhode Island state law.

The Notice of Appeal of the November 20, 2023 Text Order in this matter encompasses the void district court actions from November 20, 2023 onward, as

well as the self-executing disqualification of the district court judge is one of the cause of appeal in this matter.

In aid of the Court, the Appellant attaches herewith in **Exhibit B**, (ECF 59) the Notice of Appeal, filed on April 1, 2024, appealing from the district court's March 7<sup>th</sup>, 2024, March 8<sup>th</sup>, 2024 and March 11<sup>th</sup>, 2024 Text Orders.

Appellant appeals to the United States Court of Appeals for the FIRST Circuit from all the *functus officio* modifications to the district court's orders or *functus officio* actions taken in the district court after the filing of the appeal on November 17, 2023, affecting the cause without permission from the court of appeals.

Appellant appeals to the United States Court of Appeals for the FIRST CIRCUIT from the *functus officio* actions taken in the district court after the filing of the appeal on November 17, 2023 (ECF 32), affecting the cause without permission from the court of appeals, that moreover deprived Plaintiff's right to file an amended notice of appeal.

Appellant appeals to the United States Court of Appeals for the FIRST CIRCUIT and filed that direct attack on the *functus officio void* actions taken in the district court without jurisdiction or without authority after the filing of the appeal on November 17, 2023 (ECF 32), affecting the cause without permission

from the court of appeals. The appeal divested the district court of authority to modify the TWO November 17, 2023 Text Orders appealed from (ECF 32) or take other actions affecting the cause without permission from the court of appeals.

Appellant appeals to the United States Court of Appeals for the FIRST CIRCUIT the matter of the self-executing disqualification of the *functus officio* district court Judge William E. Smith.

**Appellant appeals to the Court of Appeals for the FIRST CIRCUIT from Post-Appeal Orders and Actions Taken by the District Court Affecting the Cause under appeal.**

By way of visual illustration in support of this Show Cause, and in aid of the Court, Appellant further attaches herewith a screenshot of ECF 33-1, of page 9 of 92, that corroborates with the clerk's certification of the record on appeal (ECF 33) certifying that there were **NO** pending motions at the time of the filing of the Notice of Appeal of the Final Judgment on November 17, 2023:

		(D.R.I.), it is further ORDERED that the Courts March 30, 2023, Text Order granting Plaintiff Leave to Proceed as a Pro Se Electronic Filer is VACATED. Plaintiff's Electronic Filer privileges are revoked. <u>See</u> LR Gen 302(b). So Ordered by District Judge William E. Smith on 10/19/2023. (Simoncelli, Michael) (Entered: 10/19/2023)
10/19/2023	<u>31</u>	JUDGMENT. So Ordered by Clerk of Court on 10/19/2023. (Simoncelli, Michael) (Entered: 10/19/2023)
11/17/2023		TEXT ORDER: The Court is in receipt of Plaintiff's two recent emails to the Clerk's Office. The Court construes these emails as motions for leave to file the motions attached to those emails and denies leave to file for the reasons given in its earlier text orders. So Ordered by District Judge William E. Smith on 11/17/2023. (Urizandi, Nissheneyra) Modified on 11/17/2023 to correct a typo. (Urizandi, Nissheneyra). (Entered: 11/17/2023)
11/17/2023		TEXT ORDER: The Court is in receipt of Plaintiff's email to the Clerk's Office this afternoon. As with its order issued earlier today, the Court construes this email as a motion for leave to file the motion attached to the email and denies leave to file for the reasons given in its earlier text orders. So Ordered by District Judge William E. Smith on 11/17/2023. (Urizandi, Nissheneyra) (Entered: 11/17/2023)
11/17/2023	<u>32</u>	NOTICE OF APPEAL by Mary Seguin as to Text Order, Text Order,  <b>NOTICE TO COUNSEL: Counsel should register for a First Circuit CM/ECF Appellate Filer Account at <a href="http://pacer.psc.uscourts.gov/cmecf/">http://pacer.psc.uscourts.gov/cmecf/</a>. Counsel should also review the First Circuit requirements for electronic filing by visiting the CM/ECF Information section at <a href="http://www.ca1.uscourts.gov/cmecf">http://www.ca1.uscourts.gov/cmecf</a> Appeal Record due by 11/24/2023. (Attachments: # <u>1</u> Envelope)(Kenny, Meghan) (Entered: 11/17/2023)</b>

Accordingly, Appellant requests judicial notice of the documents attached here to and screenshots of the documents affixed to the text of this Show Cause response to the Court. Pursuant to **Fed. R. Evidence 201(e)**, Appellant requests by right a hearing.

### **CONCLUSION**

For the above reasons the Court should consolidate Appeal No. 23-1967 and Appeal No. 23-1978.

Respectfully submitted,

Mary Seguin

Pro Se

/s/ Mary Seguin

Email: [maryseguin22022@gmail.com](mailto:maryseguin22022@gmail.com)

Phone: (281)744-2016

P.O. Box 22022

Houston, TX 77019

Dated: April 2, 2024

### **CERTIFICATE OF SERVICE**

This is to certify that the foregoing instrument has been served via the Court's ECF filing system on April 2, 2024, on all registered counsel of record, and has been transmitted to the Clerk of the Court.

Mary Seguin

Pro Se

/s/ Mary Seguin

Email: [maryseguin22022@gmail.com](mailto:maryseguin22022@gmail.com)

Phone: (281)744-2016

P.O. Box 22022

Houston, TX 77019

Case 1:23-cv-00126-WES-PAS Document 33 Filed 11/17/23 Page 1 of 1 PageID #: 931



**UNITED STATES DISTRICT COURT**  
*District of Rhode Island*

**CLERK'S CERTIFICATE AND APPELLATE COVER SHEET**  
**ABBREVIATED ELECTRONIC RECORD**

**Case Information**

Case Caption: **Seguin** vs. **RI Dept of Human Services**

District Court Number: **1:23cv126-WES-PAS** Presiding Judge: **Judge Smith**

Notice of Appeal filed by: **Plaintiff** Notice of Appeal document number: **32**

Appeal from: **Text Order dated 11/17/2023 and Text Order dated 11/17/2023**

Other information:

Fee status: **Due** Pro se case: Yes ☒ No ☐

Emergency or requires expedition: **No** If yes, reason:

**Record Information**

Motions Pending Yes ☐ No ☒  
If yes, document #

Other record information:

Related case(s) on appeal:

**Certification**

I, Hanorah Tyer-Witek, Clerk of the United States District Court for the District of Rhode Island, do certify that the following annexed electronic documents constitute the abbreviated record on appeal in the above referenced case:

Date: **11/17/2023**

**HANORAH TYER-WITEK**  
Clerk of Court

**/s/ Meghan Kenny**  
Deputy Clerk

## Exhibit A



**UNITED STATES DISTRICT COURT**  
*District of Rhode Island*

**CLERK'S CERTIFICATE AND APPELLATE COVER SHEET**  
**ABBREVIATED ELECTRONIC RECORD**

**Case Information**

Case Caption: **Seguin** vs. **RI Dept of Human Services**

District Court Number: **1:23cv126-WES-PAS** Presiding Judge: **Judge Smith**

Notice of Appeal filed by: **Plaintiff** Notice of Appeal document number: **32**

Appeal from: **Text Order dated 11/17/2023 and Text Order dated 11/17/2023**

Other information:

Fee status: **Due** Pro se case: Yes ☒ No ☐

Emergency or requires expedition: **No** If yes, reason:

**Record Information**

Motions Pending Yes ☐ No ☒  
If yes, document #

Other record information:

Related case(s) on appeal:

**Certification**

I, Hanorah Tyer-Witek, Clerk of the United States District Court for the District of Rhode Island, do certify that the following annexed electronic documents constitute the abbreviated record on appeal in the above referenced case:

Date: **11/17/2023**

**HANORAH TYER-WITEK**  
Clerk of Court

**/s/ Meghan Kenny**

Deputy Clerk

## Exhibit B

**Notice of Appeal to a Court of Appeals From Post-Appeal Orders of a District Court**

United States District Court for the District of Rhode Island  
Docket Number 1:23-cv-126-WES-PAS

MARY SEGUIN, Plaintiff

v.

**Notice of Appeal**

RHODE ISLAND DEPARTMENT  
OF HUMAN SERVICES in its  
official capacity; MICHAEL D.  
COLEMAN, DEBORAH A.  
BARCLAY in their individual and  
official capacities;  
RHODE ISLAND OFFICE OF  
CHILD SUPPORT SERVICES in its  
official capacity; KEVIN TIGHE,  
MONIQUE BONIN, FRANK  
DIBIASE, WENDY FOBERT,  
KARLA CABALLEROS,  
TIMOTHY FLYNN, LISA  
PINSONNEAULT, CARL  
BEAUREGARD, PRISCILLA  
GLUCKSMAN, JOHN LANGLOIS,  
PAUL GOULD, in their individual  
and official capacities; RHODE  
ISLAND STATE COURT SYSTEM  
in its official capacity; PAUL A.  
SUTTELL in his individual and  
official capacity as EXECUTIVE  
HEAD OF RHODE ISLAND  
STATE COURT SYSTEM; RHODE  
ISLAND ADMINISTRATIVE  
OFFICE OF STATE COURTS in its  
official capacity; RHODE ISLAND  
ADMINISTRATIVE OFFICE OF  
THE SUPERIOR COURT in its  
official capacity; RHODE ISLAND  
JUDICIAL COUNCIL in its official  
capacity; RHODE ISLAND  
SUPERIOR COURT in its official  
capacity; RHODE ISLAND  
SUPERIOR COURT JUDICIAL  
COUNCIL in its official capacity;  
THE JUDICIAL TECHNOLOGY

CENTER in its official capacity;  
JULIE HAMIL, MARISA BROWN,  
JOHN JOSEPH BAXTER, JR.,  
JUSTIN CORREA in their  
individual and official capacities;  
RHODE ISLAND OFFICE OF THE  
ATTORNEY GENERAL in its  
official capacity; RHODE ISLAND  
OFFICE OF THE ATTORNEY  
GENERAL OPEN GOVERNMENT  
UNIT in its official capacity; ADAM  
D. ROACH, PETER NERONHA in  
their official and individual  
capacities; TYLER  
TECHNOLOGIES, INC.; GERO  
MEYERSIEK, Defendants

Plaintiff, MARY SEGUIN (name all parties taking the appeal),\* appeals to the United States Court of Appeals for the FIRST Circuit from the Text Orders entered on March 7, 2024, on March 8, 2024 and on March 11, 2024.

Plaintiff, MARY SEGUIN, appeals to the United States Court of Appeals for the FIRST Circuit all the *functus officio* modifications to the district court's orders or *functus officio* actions taken in the district court after the filing of the appeal on November 17, 2023, affecting the cause without permission from the court of appeals.

Plaintiff, MARY SEGUIN, appeals to the United States Court of Appeals for the FIRST CIRCUIT the *functus officio* actions taken in the district court after the filing of the appeal on November 17, 2023 (ECF 32), affecting the cause without permission from the court of appeals, that moreover deprived Plaintiff's right to file an amended notice of appeal.

Plaintiff, MARY SEGUIN, appeals to the United States Court of Appeals for the FIRST CIRCUIT this direct attack on the *functus officio void* actions taken in the district court without jurisdiction or without authority after the filing of the appeal on November 17, 2023 (ECF 32), affecting the cause without permission from the court of appeals. The appeal divested the district court of authority to modify the TWO November 17, 2023 Text Orders appealed from (ECF 32) or take other actions affecting the cause without permission from the court of appeals.

Plaintiff, MARY SEGUIN, appeals to the United States Court of Appeals for the FIRST CIRCUIT the matter of the self-executing disqualification of the *functus officio* district court Judge William E. Smith.

---

\* See Rule 3(c) for permissible ways of identifying appellants.

**Plaintiff, MARY SEGUIN, appeals to the Court of Appeals for the FIRST CIRCUIT from Post-Appeal Orders and Actions Taken by the District Court Affecting the Cause under appeal.**

Mary Seguin

Pro Se

/s/ Mary Seguin

Email: [maryseguin22022@gmail.com](mailto:maryseguin22022@gmail.com)

Phone: (281)744-2016

P.O. Box 22022

Houston, TX 77019

Dated: April 1, 2024

No. 23-1978

IN THE  
UNITED STATES COURT OF APPEALS  
FOR THE FIRST CIRCUIT  
UNITED STATES OF AMERICA,

Plaintiff-Appellant,

MARY SEGUIN

v.

RHODE ISLAND DEPARTMENT OF HUMAN SERVICES in its official capacity; MICHAEL D. COLEMAN, DEBORAH A. BARCLAY in their individual and official capacities; Rhode Island OFFICE OF Child Support Services in its official capacity; KEVIN TIGHE, MONIQUE BONIN, FRANK DIBIASE, WENDY FOBERT, KARLA CABALLEROS, TIMOTHY FLYNN, LISA PINSONNEAULT, CARL BEAUREGARD, PRISCILLA GLUCKSMAN, JOHN LANGLOIS, PAUL GOULD, in their individual and official capacities; RHODE ISLAND STATE COURT SYSTEM in its official capacity; PAUL A. SUTTELL in his individual and official capacity as EXECUTIVE HEAD OF RHODE ISLAND STATE COURT SYSTEM; RHODE ISLAND ADMINISTRATIVE OFFICE OF STATE COURTS in its official capacity; RHODE ISLAND ADMINISTRATIVE OFFICE OF THE SUPERIOR COURT in its official capacity; RHODE ISLAND JUDICIAL COUNCIL in its official capacity; RHODE ISLAND SUPERIOR COURT in its official capacity; RHODE ISLAND SUPERIOR COURT JUDICIAL COUNCIL in its official capacity; THE JUDICIAL TECHNOLOGY CENTER in its official capacity; JULIE HAMIL, MARISA BROWN, JOHN JOSEPH BAXTER, JR., JUSTIN CORREA in their individual and official capacities; RHODE ISLAND OFFICE OF THE ATTORNEY GENERAL in its official capacity; RHODE ISLAND OFFICE OF THE ATTORNEY GENERAL OPEN GOVERNMENT UNIT in its official capacity; ADAM D. ROACH, PETER NERONHA in their official and individual capacities; TYLER TECHNOLOGIES, INC.; GERO MEYERSIEK

Defendants-Appellees.

Appeal from the United States District Court for the District of Rhode Island

---

**APPELLANT'S SUPPLEMENTAL SHOW CAUSE IN SUPPORT OF  
APPELLANT'S MOTION TO CONSOLIDATE**

---

Appellant, MARY SEGUIN, respectfully supplement Appellant's Show Cause (filed on March 31, 2024) with the following documentary proof, namely the district court's Clerk's Certificate and Appellate Cover Sheet **ECF 33**, that the district court's **functus officio** actions taken subsequent to the November 17, 2023 filing of the Notice of Appeal of Judgment are void. In the section under "Record Information," the district clerk checked off "**NO**" as to *whether motions are pending, proving* that at the time of the filing of the Notice of Appeal of the final judgment on November 17, 2023, **NO MOTIONS WERE PENDING**, per the district court clerk's **certification**. This certification is electronically signed by district court Deputy Clerk Meghan Kenny.

The Appeal **divested** the district court of power to modify its pre-Appeal orders or take other actions affecting the cause without permission from the court of appeals. Since the district court clerk certified on the date of the Appeal on November 17, 2023 that there were **NO** pending motions (see **ECF 33**), the **functus officio** judge William Smith's post-appeal actions affecting the cause

without permission from the court of appeals are **void**. His actions *interfered* with the cause without permission from the court of appeals.

This appeal of the district court's November 20, 2023 **functus officio** Text Order appeals the **functus officio** November 20, 2023 Text order and actions taken by the district court from November 20, 2023 onward.

In aid of the Court, Appellant attaches the screenshot of **ECF 33** below, and requests judicial notice pursuant to Fed. R. of Evid. 201 of this undisputable fact:

Case 1:23-cv-00126-WES-PAS Document 33 Filed 11/17/23 Page 1 of 1 PageID #: 931



UNITED STATES DISTRICT COURT  
District of Rhode Island

CLERK'S CERTIFICATE AND APPELLATE COVER SHEET  
ABBREVIATED ELECTRONIC RECORD

Case Information	
Case Caption: <b>Seguin</b>	vs. <b>RI Dept of Human Services</b>
District Court Number: <b>1:23cv126-WES-PAS</b>	Presiding Judge: <b>Judge Smith</b>
Notice of Appeal filed by: <b>Plaintiff</b>	Notice of Appeal document number: <b>32</b>
Appeal from: <b>Text Order dated 11/17/2023 and Text Order dated 11/17/2023</b>	
Other information:	
Fee status: <b>Due</b>	Pro se case: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Emergency or requires expedition: No <input type="checkbox"/> If yes, reason:	
Record Information	
Motions Pending	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If yes, document #	
Other record information:	
Related case(s) on appeal:	
Certification	
I, Hanorah Tyer-Witek, Clerk of the United States District Court for the District of Rhode Island, do certify that the following annexed electronic documents constitute the abbreviated record on appeal in the above referenced case:	

Date: **11/17/2023**

HANORAH TYER-WITEK  
Clerk of Court  
/s/ Meghan Kenny  
Deputy Clerk

Appellant attaches herewith in Exhibit A, the Clerk's Certificate and Appellate Cover Sheet ECF 33.

The *functus officio* jurisdiction-divested district court judge's post-appeal *functus officio* actions that are under appeal have interfered with the cause of the appeal of the final judgment. The *functus officio* district court actions interfered with the Appellant's right to amend the appeal.

The *functus officio* district court's void post-appeal actions interfered with Appellant's right to amend the appeal in Appeal No. 23-1967.

The functus district court's void post-appeal actions interfering with Appellant's right to amend the appeal in No. 23-1967 necessitated a third Notice of Appeal to be filed appealing the district court's denials of the Appellant's FRAP 4 motions for extension of time to amend the appeal – Appellant filed the extension of time pursuant to the Court of Appeal's late-hour March 1, 2024 Court order in Appeal No. 23-1967 vacating the briefing schedule there out of confusion over the altered record on appeal that the *functus officio* district court altered without authority and unlawfully, intentionally. Judge William E. Smith, prior to his federal judicial appointment, was the Chief outside counsel for the Appellee Rhode Island political subdivisions under the State Plan under Title IV of the Social Security Act, from 1996 to 2002, and had advised the Appellee Rhode Island

political subdivisions on the State's noncompliant charge of 12% compound interest that violates 42 U.S.C. sec. 654(21)(A) (which permits only 0%-6% simple interest), and the State's unlawful and organized cover-up circumventing practices of making manual adjustments to the automated data processing and information retrieval system through the **removal** of the unlawful 12% compound interest whenever the State certifies the accounting fraud as a "true account," whether to other states, like TEXAS, for enforcement cooperations under 42 U.S.C. sec. 666, or to the United States for the unlawful procurement of federal funding under the Title IV Programs. Because Rhode Island knows violations of 42 U.S.C. sec. 654 incurs tens of millions of penalties in a fiscal year and may cause it to lose TANF funding, and the willful violation may cause it to become ineligible to participate in Title IV Programs, Rhode Island engages in systemic cover up, accounting fraud, falsification of government records and false certifications, all of which Judge William Smith had advised to as the Chief outside counsel for Rhode Island political subdivisions and the Rhode Island Appellees. This is essentially a cover up of organized unlawful theft of TEXAS, theft of the United States and theft of targeted unsuspecting noncustodial parent victims under color of Rhode Island state law.

The Notice of Appeal of the November 20, 2023 Text Order in this matter encompasses the void district court actions from November 20, 2023 onward, as

well as the self-executing disqualification of the district court judge is one of the cause of appeal in this matter.

In aid of the Court, the Appellant attaches herewith in **Exhibit B**, (ECF 59) the Notice of Appeal, filed on April 1, 2024, appealing from the district court's March 7<sup>th</sup>, 2024, March 8<sup>th</sup>, 2024 and March 11<sup>th</sup>, 2024 Text Orders.

Appellant appeals to the United States Court of Appeals for the FIRST Circuit from all the *functus officio* modifications to the district court's orders or *functus officio* actions taken in the district court after the filing of the appeal on November 17, 2023, affecting the cause without permission from the court of appeals.

Appellant appeals to the United States Court of Appeals for the FIRST CIRCUIT from the *functus officio* actions taken in the district court after the filing of the appeal on November 17, 2023 (ECF 32), affecting the cause without permission from the court of appeals, that moreover deprived Plaintiff's right to file an amended notice of appeal.

Appellant appeals to the United States Court of Appeals for the FIRST CIRCUIT and filed that direct attack on the *functus officio void* actions taken in the district court without jurisdiction or without authority after the filing of the appeal on November 17, 2023 (ECF 32), affecting the cause without permission

from the court of appeals. The appeal divested the district court of authority to modify the TWO November 17, 2023 Text Orders appealed from (ECF 32) or take other actions affecting the cause without permission from the court of appeals.

Appellant appeals to the United States Court of Appeals for the FIRST CIRCUIT the matter of the self-executing disqualification of the *functus officio* district court Judge William E. Smith.

**Appellant appeals to the Court of Appeals for the FIRST CIRCUIT from Post-Appeal Orders and Actions Taken by the District Court Affecting the Cause under appeal.**

By way of visual illustration in support of this Show Cause, and in aid of the Court, Appellant further attaches herewith a screenshot of ECF 33-1, of page 9 of 92, that corroborates with the clerk's certification of the record on appeal (ECF 33) certifying that there were **NO** pending motions at the time of the filing of the Notice of Appeal of the Final Judgment on November 17, 2023:

		(D.R.I.), it is further ORDERED that the Courts March 30, 2023, Text Order granting Plaintiff Leave to Proceed as a Pro Se Electronic Filer is VACATED. Plaintiff's Electronic Filer privileges are revoked. <u>See</u> LR Gen 302(b). So Ordered by District Judge William E. Smith on 10/19/2023. (Simoncelli, Michael) (Entered: 10/19/2023)
10/19/2023	<u>31</u>	JUDGMENT. So Ordered by Clerk of Court on 10/19/2023. (Simoncelli, Michael) (Entered: 10/19/2023)
11/17/2023		TEXT ORDER: The Court is in receipt of Plaintiff's two recent emails to the Clerk's Office. The Court construes these emails as motions for leave to file the motions attached to those emails and denies leave to file for the reasons given in its earlier text orders. So Ordered by District Judge William E. Smith on 11/17/2023. (Urizandi, Nissheneyra) Modified on 11/17/2023 to correct a typo. (Urizandi, Nissheneyra). (Entered: 11/17/2023)
11/17/2023		TEXT ORDER: The Court is in receipt of Plaintiff's email to the Clerk's Office this afternoon. As with its order issued earlier today, the Court construes this email as a motion for leave to file the motion attached to the email and denies leave to file for the reasons given in its earlier text orders. So Ordered by District Judge William E. Smith on 11/17/2023. (Urizandi, Nissheneyra) (Entered: 11/17/2023)
11/17/2023	<u>32</u>	NOTICE OF APPEAL by Mary Seguin as to Text Order, Text Order,  <b>NOTICE TO COUNSEL: Counsel should register for a First Circuit CM/ECF Appellate Filer Account at <a href="http://pacer.psc.uscourts.gov/cmecf/">http://pacer.psc.uscourts.gov/cmecf/</a>. Counsel should also review the First Circuit requirements for electronic filing by visiting the CM/ECF Information section at <a href="http://www.ca1.uscourts.gov/cmecf">http://www.ca1.uscourts.gov/cmecf</a> Appeal Record due by 11/24/2023. (Attachments: # <u>1</u> Envelope)(Kenny, Meghan) (Entered: 11/17/2023)</b>

Accordingly, Appellant requests judicial notice of the documents attached here to and screenshots of the documents affixed to the text of this Show Cause response to the Court. Pursuant to **Fed. R. Evidence 201(e)**, Appellant requests by right a hearing.

### **CONCLUSION**

For the above reasons the Court should consolidate Appeal No. 23-1967 and Appeal No. 23-1978.

Respectfully submitted,

Mary Seguin

Pro Se

/s/ Mary Seguin

Email: [maryseguin22022@gmail.com](mailto:maryseguin22022@gmail.com)

Phone: (281)744-2016

P.O. Box 22022

Houston, TX 77019

Dated: April 2, 2024

### **CERTIFICATE OF SERVICE**

This is to certify that the foregoing instrument has been served via the Court's ECF filing system on April 2, 2024, on all registered counsel of record, and has been transmitted to the Clerk of the Court.

Mary Seguin

Pro Se

/s/ Mary Seguin

Email: [maryseguin22022@gmail.com](mailto:maryseguin22022@gmail.com)

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P.O. Box 22022

Houston, TX 77019

Case 1:23-cv-00126-WES-PAS Document 33 Filed 11/17/23 Page 1 of 1 PageID #: 931



**UNITED STATES DISTRICT COURT**  
*District of Rhode Island*

**CLERK'S CERTIFICATE AND APPELLATE COVER SHEET**  
**ABBREVIATED ELECTRONIC RECORD**

**Case Information**

Case Caption: **Seguin** vs. **RI Dept of Human Services**

District Court Number: **1:23cv126-WES-PAS** Presiding Judge: **Judge Smith**

Notice of Appeal filed by: **Plaintiff** Notice of Appeal document number: **32**

Appeal from: **Text Order dated 11/17/2023 and Text Order dated 11/17/2023**

Other information:

Fee status: **Due** Pro se case: Yes ☒ No ☐

Emergency or requires expedition: **No** If yes, reason:

**Record Information**

Motions Pending Yes ☐ No ☒  
If yes, document #

Other record information:

Related case(s) on appeal:

**Certification**

I, Hanorah Tyer-Witek, Clerk of the United States District Court for the District of Rhode Island, do certify that the following annexed electronic documents constitute the abbreviated record on appeal in the above referenced case:

Date: **11/17/2023**

**HANORAH TYER-WITEK**  
Clerk of Court

**/s/ Meghan Kenny**  
Deputy Clerk

## Exhibit A



**UNITED STATES DISTRICT COURT**  
*District of Rhode Island*

**CLERK'S CERTIFICATE AND APPELLATE COVER SHEET**  
**ABBREVIATED ELECTRONIC RECORD**

**Case Information**

Case Caption: **Seguin** vs. **RI Dept of Human Services**

District Court Number: **1:23cv126-WES-PAS** Presiding Judge: **Judge Smith**

Notice of Appeal filed by: **Plaintiff** Notice of Appeal document number: **32**

Appeal from: **Text Order dated 11/17/2023 and Text Order dated 11/17/2023**

Other information:

Fee status: **Due** Pro se case: Yes ☒ No ☐

Emergency or requires expedition: **No** If yes, reason:

**Record Information**

Motions Pending Yes ☐ No ☒  
If yes, document #

Other record information:

Related case(s) on appeal:

**Certification**

I, Hanorah Tyer-Witek, Clerk of the United States District Court for the District of Rhode Island, do certify that the following annexed electronic documents constitute the abbreviated record on appeal in the above referenced case:

Date: **11/17/2023**

**HANORAH TYER-WITEK**  
Clerk of Court

**/s/ Meghan Kenny**

Deputy Clerk

## Exhibit B

**Notice of Appeal to a Court of Appeals From Post-Appeal Orders of a District Court**

United States District Court for the District of Rhode Island  
Docket Number 1:23-cv-126-WES-PAS

MARY SEGUIN, Plaintiff

v.

**Notice of Appeal**

RHODE ISLAND DEPARTMENT  
OF HUMAN SERVICES in its  
official capacity; MICHAEL D.  
COLEMAN, DEBORAH A.  
BARCLAY in their individual and  
official capacities;  
RHODE ISLAND OFFICE OF  
CHILD SUPPORT SERVICES in its  
official capacity; KEVIN TIGHE,  
MONIQUE BONIN, FRANK  
DIBIASE, WENDY FOBERT,  
KARLA CABALLEROS,  
TIMOTHY FLYNN, LISA  
PINSONNEAULT, CARL  
BEAUREGARD, PRISCILLA  
GLUCKSMAN, JOHN LANGLOIS,  
PAUL GOULD, in their individual  
and official capacities; RHODE  
ISLAND STATE COURT SYSTEM  
in its official capacity; PAUL A.  
SUTTELL in his individual and  
official capacity as EXECUTIVE  
HEAD OF RHODE ISLAND  
STATE COURT SYSTEM; RHODE  
ISLAND ADMINISTRATIVE  
OFFICE OF STATE COURTS in its  
official capacity; RHODE ISLAND  
ADMINISTRATIVE OFFICE OF  
THE SUPERIOR COURT in its  
official capacity; RHODE ISLAND  
JUDICIAL COUNCIL in its official  
capacity; RHODE ISLAND  
SUPERIOR COURT in its official  
capacity; RHODE ISLAND  
SUPERIOR COURT JUDICIAL  
COUNCIL in its official capacity;  
THE JUDICIAL TECHNOLOGY

CENTER in its official capacity;  
JULIE HAMIL, MARISA BROWN,  
JOHN JOSEPH BAXTER, JR.,  
JUSTIN CORREA in their  
individual and official capacities;  
RHODE ISLAND OFFICE OF THE  
ATTORNEY GENERAL in its  
official capacity; RHODE ISLAND  
OFFICE OF THE ATTORNEY  
GENERAL OPEN GOVERNMENT  
UNIT in its official capacity; ADAM  
D. ROACH, PETER NERONHA in  
their official and individual  
capacities; TYLER  
TECHNOLOGIES, INC.; GERO  
MEYERSIEK, Defendants

Plaintiff, MARY SEGUIN (name all parties taking the appeal),\* appeals to the United States Court of Appeals for the FIRST Circuit from the Text Orders entered on March 7, 2024, on March 8, 2024 and on March 11, 2024.

Plaintiff, MARY SEGUIN, appeals to the United States Court of Appeals for the FIRST Circuit all the *functus officio* modifications to the district court's orders or *functus officio* actions taken in the district court after the filing of the appeal on November 17, 2023, affecting the cause without permission from the court of appeals.

Plaintiff, MARY SEGUIN, appeals to the United States Court of Appeals for the FIRST CIRCUIT the *functus officio* actions taken in the district court after the filing of the appeal on November 17, 2023 (ECF 32), affecting the cause without permission from the court of appeals, that moreover deprived Plaintiff's right to file an amended notice of appeal.

Plaintiff, MARY SEGUIN, appeals to the United States Court of Appeals for the FIRST CIRCUIT this direct attack on the *functus officio void* actions taken in the district court without jurisdiction or without authority after the filing of the appeal on November 17, 2023 (ECF 32), affecting the cause without permission from the court of appeals. The appeal divested the district court of authority to modify the TWO November 17, 2023 Text Orders appealed from (ECF 32) or take other actions affecting the cause without permission from the court of appeals.

Plaintiff, MARY SEGUIN, appeals to the United States Court of Appeals for the FIRST CIRCUIT the matter of the self-executing disqualification of the *functus officio* district court Judge William E. Smith.

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\* See Rule 3(c) for permissible ways of identifying appellants.

**Plaintiff, MARY SEGUIN, appeals to the Court of Appeals for the FIRST CIRCUIT from Post-Appeal Orders and Actions Taken by the District Court Affecting the Cause under appeal.**

Mary Seguin

Pro Se

/s/ Mary Seguin

Email: [maryseguin22022@gmail.com](mailto:maryseguin22022@gmail.com)

Phone: (281)744-2016

P.O. Box 22022

Houston, TX 77019

Dated: April 1, 2024